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Free Minds and Free Markets

Learning to Love the Bomb

The case for nuclear proliferation

Scourge of the Booboisie

Weighing H.L. Mencken's legacy

The Battle for Your Brain

Science is developing ways to boost intelligence and more. Will you be allowed to change your own mind?

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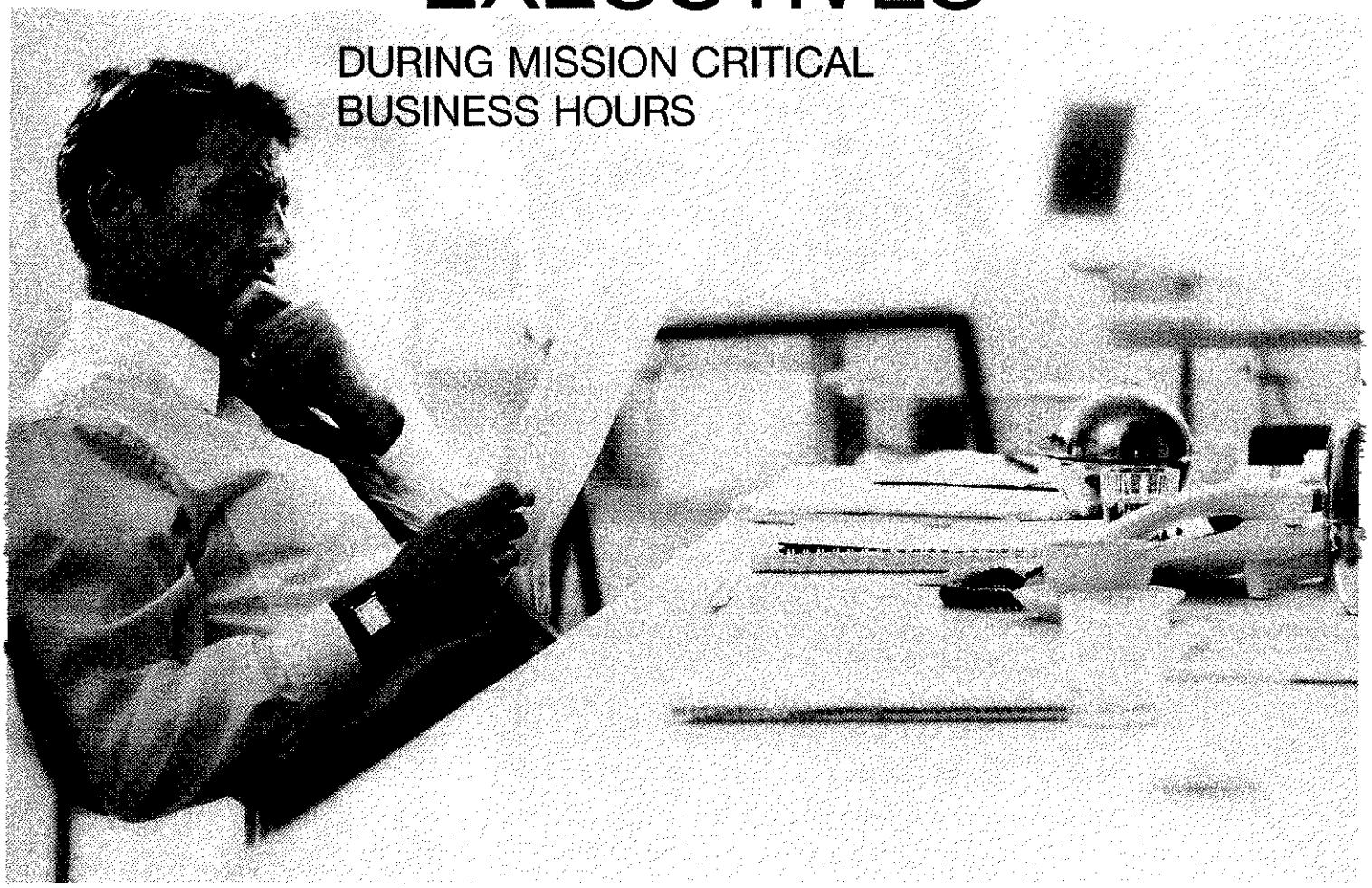

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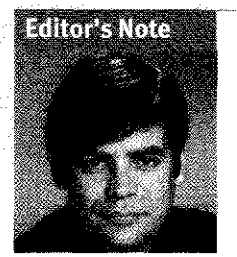

Mental Failings

I'M NOT YET 40, but I'm already losing my mind.

Or parts of it, at any rate. I sometimes call one of my sons by the other's name, even though there's a seven-year gap between them. I occasionally stop to remember phone numbers that I've been dialing for years. I increasingly find myself struggling to recall bits of information that never used to prompt such brain lock.

Before you start feeling too sorry for me—or too smug—remember that we're all in this leaking boat together. Memory loss and other elements of diminished mental capacity are the brutal, universal facts of aging; like death and taxes, they eventually happen to all of us.

That's precisely why this month's cover story, "The Battle for Your Brain" (page 24), is so important. **reason** Science Correspondent Ronald Bailey (note to self: double-check that name) reports that we're rapidly entering a "dawning age of neuroscience" that "promises not just new enhancements for Alzheimer's and other brain diseases but enhancements to improve memory, boost intellectual acumen, and fine-tune our emotional responses." Widely used drugs such as Prozac, Ritalin, and Zoloft provide a hint of what's coming—a future in which we will be able to manipulate our minds and moods more effectively than ever before.

This burgeoning field requires a wide-ranging conversation about "neuroethics." That discussion is already under way but has so far mostly ignored the desires of the people who may choose to avail themselves of such enhancements. As Bailey points out, that's because "so many of the field's critics...hope to restrict that autonomy in various ways." While critics worry that such advances will undermine personal responsibility and rob us of our "authenticity," Bailey makes a compelling case that informed individuals should be given the widest latitude possible to take advantage of new, brain-boosting breakthroughs.

The ultimate issue is one of individual choice vs. group control. This is a perennial issue for **reason**, and it runs through other articles in the issue. Senior Editor Charles Paul Freund tells the story of an Iranian professor sentenced to death for speaking out against his country's repressive rulers ("Liberal Martyrdom in Iran," page 18). In "Wrecking Property Rights" (page 32), Sam Staley exposes how local officials are using eminent domain to rob owners of perfectly good property and deliver it to well-connected cronies. Reviewing a long-awaited biography of H.L. Mencken, *Slate*'s Jack Shafer reminds us that for all his many failings, the Sage of Baltimore remained a "laureate of free thinking" and a consistent critic of conformity ("Scourge of the Booboisie," page 48).

A world in which choice trumps control—in which people can pursue happiness on their own terms to the greatest possible extent—tends to be more prosperous and peaceful than the alternative. When it comes to freely choosing to use neuroscience that might make us all a bit sharper for a bit longer, it's hard to see a downside. Certainly, my kids—whatever their names are—would agree.

Nick Gillespie

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A challenge to parents who would never dream of buying insurance online

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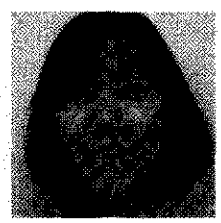
Newspaperman STEVE CHAPMAN considers Cold War lessons and nuclear proliferation in "Learning to Love the Bomb" on page 54. The 48-year-old father of three grew up in defense-base-heavy Texas but doesn't remember any childhood fear of Mutual Assured Destruction. Though his house in Austin was actually outfitted with a bomb shelter, he and his friends used it to play in. "'Nuclear war' was a game that got old pretty quick," Chapman recalls. "It was a small, empty, windowless room." These days, Chapman faces a far more anxiety-inducing threat: coming up with two pieces per week for his popular *Chicago Tribune* column. How does he do it? "Pure genius," he deadpans.

Steve Chapman

John J. Pitney

"There really is no such thing as *the* Republican Party," insists **reason** Contributing Editor JOHN J. PITNEY. "Nationally, the party is fragmented." Pitney, who once ran the Republican National Committee's research department, reviews *The Rise of the Southern Republicans* in this issue ("Gone with the Vote," page 57). For more than 15 years, he has taught government at Claremont McKenna, a small liberal arts college 45 minutes from Los Angeles. He also has authored several books, including *The Art of Political Warfare* (2000). Pitney's own take on the Southern elephants? "I give them an A for organizational effort," he says, "but a B- for philosophical consistency."


Barb Burch

"Technology is great," BARB BURCH, **reason**'s art director since 1993, says with a laugh. When she first joined the magazine, she encountered what might charitably be called a primitive situation. "We had to paste every page onto cardboard and make corrections with an exacto knife," she recalls. Burch computerized the magazine's layout, helped marshal it through a comprehensive redesign, and persisted through three versions of PageMaker before switching to another layout program. Enabled by e-mail, fax, and FedEx, Burch works from Phoenix, 400 miles from **reason**'s Los Angeles offices.

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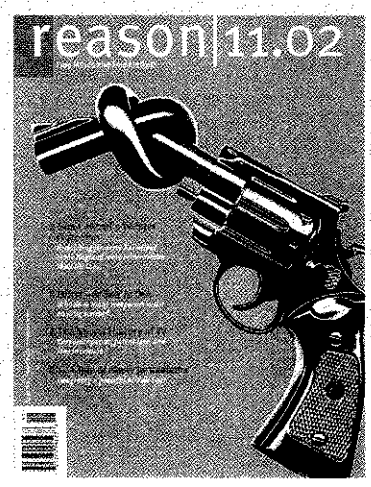

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Gun Control Twists

In "Gun Control's Twisted Outcome" (November), Joyce Malcolm claims that "in the four years from 1997 to 2001, the rate of violent crime [in England] more than doubled." She asserts that British gun control caused the increase.

It took me less than five minutes to find the official English crime statistics, at www.homeoffice.gov.uk/rds/pdfs2/hosb702.pdf. In the section on violent crime I found the following:

"Estimates from the BCS [British Crime Survey] reveal large and consistent falls in violent crime overall since 1995....Longer-term trends in violence overall continue to show significant declines. Comparison of results reported to the BCS in 2001–'02 with those for earlier years show a 17 per cent decline in BCS violence since 1999, a 22 per cent decline since 1997 and a 33 per cent decline since 1995, all of these decreases being statistically significant....

"The fall in violent crime may seem surprising, given media attention to violent crime. However, the BCS suggests that violent crime in general has been falling for some time. Although BCS estimates present an average experience of violence, it is possible that the very rare but more extreme incidents of violence have increased at the same time. It is the latter that are more often reported in the media."

I trust that Malcolm will now withdraw her article and replace it with one attributing the violent crime decrease to gun control.

Tim Lambert
Sydney, Australia

reason's consistent defense of "gun rights" has distressed this longtime reader for years. It ought to distress any libertarian, perhaps even more than others' advocacy of gun prohibition. Gun control is at the cusp of a central difficulty of libertarian politics, and it needs much more subtle, balanced, and careful analysis than I have ever seen in **reason**.

A libertarian distinguishes between proper (coercive) functions of government and those that are improper. Roughly speaking, proper functions defend citizens against coercion, from abroad or from within. We typically focus our political action against improper functions such as welfare guarantees and prevention of self-harm.

But it is the recognition of proper government functions that distinguishes libertarians from anarchists. Robert Nozick in *Anarchy, State, and Utopia* went to great lengths to construct a libertarian argument for government. And here is the argument for gun control. I have a legitimate self-defense reason to fear and ask my government to take action against a neighbor's possession of and access to lethal weapons, not only after he uses them but before, if they are sufficiently dangerous. And a libertarian politics should recognize and support such a principle.

An individual does not have an absolute right to own a gun, except in an anarchy. Nozick's and other libertarian constructions of legitimate government recognize that rights to self-defense must be—in part—transferred to a government and allowed only limited scope in individuals.

I am not allowed to own a tank or an atom bomb, and I feel sure you agree with that. So the line is drawn somewhere. Prohibition (or near-prohibition) of handguns may or may not be a good idea, but it deserves serious and balanced examination by libertarians. And unfortunately there is no simple answer.

Joyce Malcolm's piece fails to

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advance the discussion of gun control. Statistics are used naively at best: the datum that gunpoint robberies rose 53 percent between April and November of 2001 is almost certainly a random fluctuation and not by itself useful to the argument.

Trends over longer periods are useful, but the reported rise in handgun crimes between 1997 and 1999 took place at the same time that U.K. standards for crime reporting changed, with systematic increases in reported crimes across all categories (see page 49 of www.homeoffice.gov.uk/rds/pdfs2/hosb702.pdf). This U.K. Home Office document and the one at www.homeoffice.gov.uk/rds/pdfs/hosb601.pdf make fascinating reading and will disabuse many of the simplistic notion that the U.S. has a uniformly worse crime problem than Europe. But they do not show that the rate of violent crime in the U.K. has been "soaring" since 1991 (rather, there was a rise and then decline to previous levels from 1991 to 2001). And they certainly do not show that handgun prohibition has caused any increase or led to "a more dangerous society." More likely they show simply that prohibition law does not amount to effective prohibition.

Many problems with gun control are evident, from conflicts with the Second Amendment to the failure of nearly every government attempt at prohibition of other widespread personal activities such as alcohol and drug consumption. But libertarians should be grappling with the implications of their distinction from anarchists, and we should challenge gun control advocates and experts to devise better gun control—whether stricter or less strict—so that the U.S. and European countries are safer.

Jim Whitehead
Via e-mail

First, it is true that the nonviolent crime rate in England is higher than it is in the United States. But the violent crime rate in England is much lower than it is in the U.S. For the gun control hypothesis to be correct we must assume that guns deter certain types of crimes but not others. Since the "free gun" advocates believe that guns are an important part of self-defense it should follow that well-armed citizens are well-protected citizens. The English statistics on violent crimes do not bear this out. Crimes against persons, murder, and rape are much less frequent than in the U.S.

Second, if it is the "gun culture" that explains the disparity in crime, we should expect the relationship between the two countries' relative levels of crime to be basically consistent. Yet this is not the case. Around 1981 the levels of nonviolent crime in the U.S. and England were about the same. Then the levels of nonviolent crime in the U.S. started to rapidly decrease, while the levels remained the same or increased slightly in England.

It so happens that these shifts reflect the relative changes in incarceration rates in the U.S. for nonviolent crimes. In other words, we started throwing our criminals in jail and the British did not.

Mark Liveringhouse
Minneapolis, MN

I have always known the Brits had some eccentrics, but are they all mindless as a hammer?

I am 68-year-old fifth-generation Texan. At the risk of confirming our "Wild West" reputation, I will tell you of a widely known saying that I first heard at an early age on the subject of then illegally carrying a pistol on your person or in your car: "Better to be convicted by 12 than carried by six." This attitude, coupled with the de facto law in Texas that it is legal to shoot anyone who even attempts to forcibly enter your home, especially at night, may have something to do with the fact that nighttime residential burglaries are almost unheard of here. I don't know the crime statistics, but I can remember hearing of only one such in my whole life, and the victim was a decrepit 80-year-old woman who lived alone.

Don Beeth
Friendswood, TX

Thanks for the gripping article—more than enough impetus to read Joyce Malcolm's book.

I was a criminal investigator for the U.S. Air Force in England from 1978 to '84 and developed a number of friends within the various constabularies I dealt with. I was frequently surprised at the paternalism demonstrated by policemen at all levels, constables to chief superintendents. Many had the attitude that the common Englishman with a firearm was someone to mistrust and the police had all the right answers—especially when it came to protecting the citizenry. I put up with all the good-natured (and some not so good-natured) jibes about "the Wild West" and the American "gun nut" culture so popular at that time in the liberal British press.

All of this was occurring at the same time as the Brixton riots and other serious social problems that were more and more often leading to street violence. Those same constables were privately asking me for U.S.-style police night sticks (much bigger than the Bobby's truncheon), small police-issue pepper sprays, and other nonlethal police equipment that even then was illegal in England.

I even frequently arranged for British police officers to receive small arms

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training available on our military bases at the time.

Almost 20 years later those same, and for the most part retired, officers have a vastly different opinion about the value of an armed citizenry than they expressed a generation ago. I would also suspect there are a lot of people in Britain who are equally fed up with the state's failure to defend them.

Jim Hogue
Plano, TX

Joyce Malcolm replies: Tim Lambert, Jim Whitehead, and Mark Liveringhouse raise various questions about my statistics, and all believe strict gun controls produce lower levels of violent crime. Lambert insists any decrease in violent crime in England is attributable to strict gun control. To Whitehead, giving people the right to be armed is the road not only to crime but to anarchy. Liveringhouse, doubting all statistics, maintains nonviolent crime may be worse in England, but the violent crime rate is "much lower than it is in the United States." If guns deterred violence, he argues, the reverse would be true.

Statistics first. In answer to Lambert, there are two different sets of official English crime figures—the British Crime Survey figures, which Lambert cites, and the annual, and sometimes more frequent, figures produced by Scotland Yard. For the most recent rates, those since the 1997 handgun ban, I have depended on Scotland Yard's figures. These indicate that from 1997 through 2001 violent crime as a whole more than doubled. There are good reasons to credit the police figures. They are not likely to exaggerate the rates of the most serious crimes and have been corroborated by independent studies. The police found not only a 53 percent increase in armed robbery between April and November 2001—a statistic Whitehead dismisses as "almost certainly a random fluctuation"—but also that murders with a firearm rose by 87 percent during the same period. In fact, in the three years from 1998 to 2001, firearm-related homicides increased by 49 percent. This trend is supported by a Kings College, London, study that found handgun crime rose by 40 percent in the two years after the handgun ban.

If all this constitutes gun control's success in reducing gun crime, one wonders what these men would regard as failure. As for violent crime generally, a U.N. survey of crime in 18 industrialized countries, including America, found people in England and Wales experience more crime per head than people in the other 17 countries and also have the worst record for "very serious" offenses.

Now for self-defense. Whitehead is correct that government has a responsibility to keep order. But that is not the same as giving it a monopoly over the individual's right to protect himself by depriving him of all credible means of protection. As a member of the British House of Commons argued, "one has to remember that there are many places where society cannot get, or cannot get there in time. On those occasions a man has to defend himself and those whom he is escorting. It is not very much consolation that society will come forward a great deal later, pick up the bits, and punish the violent offender." The English case shows that public safety is not enhanced by depriving people of their right to personal safety.

True Patriots

Reading Jacob Sullum's objective and measured "Pride and Prejudice" (November), contrasting Bill Bennett's and Noam Chomsky's views on patriotism, I realized that neither seems to have grasped the greater truth.

This country's bedrock survival policy for 200 or so years has been the "balance of power," preventing any one hegemonic power from dominating a major segment of our planet. This policy found its most serious challenge in the Cold War.

We beat the Soviets not only by outproducing, outspending, and outmaneuvering them. We beat them by buying friends, bargaining with tyrants, bribing undesirables, and intimidating the weak. In dealing with the corrupt and greedy of the world, we simultaneously fell short of Bennett's shining, flawless ideal and offended Chomsky. Of course we made enemies—to eliminate a global threat.

Ronald M. Wade
Rockwall, TX

Jacob Sullum thinks "it is the deliberate targeting of civilians that is the *sine qua non* of terrorism." But my dictionary's only definition of *terrorism* is "the systematic use of terror, violence, and intimidation to achieve an end."

Even using Sullum's definition, it seems our government's policies in the Middle East, in Colombia, and in a very long list of past foreign interventions easily qualify as "systematic use of terror, violence, and intimidation to achieve an end." Don't mostly civilians suffer from these policies?

That Noam Chomsky's death figures for the Iraqi embargo or Afghan bombings are a "wild exaggeration" doesn't mean these government policies weren't terrorism. How many have to die? Weren't those civilians targeted?

I was disappointed Sullum let our government off so easy.

Carmen Yarrusso
Brookline, NH

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Remove the *Episcope*™ from its fitted leather case and it's a 30-power microscope. A twist of the wrist converts it to a 3x telescope, or a unique 3x telescope-loupe. Another twist, and you have a choice of magnifiers and loupes: 5x, 10x, and 15x powers. The *Episcope*™ only 2" long, was developed in Wetzlar (Germany), the home of world-famous Leica cameras; it's now being made by one of Asia's finest lens makers. The optics are superb: brilliant luminosity, needle-sharp focus, absolute planarity, total chromatic correction, and fully anastigmatic. The *Episcope*™ is the first choice of geologists, biologists, numismatists, philatelists, engineers, and just anybody who likes to see the infinite detail in his/her surroundings. It comes with a plastic "tripod" for extended observations at 15x or 30x magnifications. ***Episcope***™ **#1062V471a**

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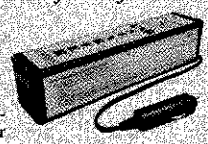

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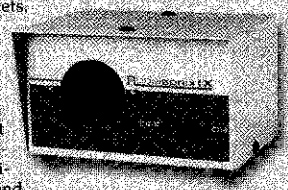

•Rodelsonix IX™ is an industrial-type unit, the most powerful you can get. It's a humane and effective system to get rid of pests.

Rodelsonix IX™ works on a different principle. It delivers a tremendous blast of ultrasound—inaudible to you and your pets—that disrupts the nervous systems of those pests. They'll leave your home within a few weeks. No poison and no mess.

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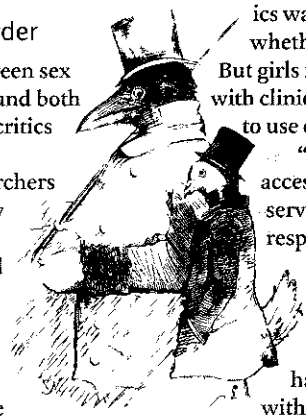
Closing Mao's little red book; all the presidents' employees; sex offender registration; zoning speech; DNA testing and justice; and drawing 9/11

Sex in the classroom

Birds Do It

Sara Rimensnyder



A NEW STUDY on teen sex is likely to confound both proponents and critics of sex education programs. Researchers studying a survey of 1,300 unmarried females aged 15 to 19 found no association between their sexual activity or contraceptive use and their participation in public school sex ed classes. Neighborhood characteristics such as household income were much more important.

"Broad state mandates with regard to classroom content are not an effective means by which to encourage the adoption of 'safer sex' practices," the researchers wrote in the November *American Journal of Public Health*. But they also noted that sex ed doesn't appear to encourage sexual activity, a chief concern among conservative critics.

As for other sex-related programs supported by the government, neither the availability of subsidized abortions nor the presence of family planning clinics was found to influence whether the girls had sex. But girls in neighborhoods with clinics were more likely to use contraceptives.

"Although increased access to family planning services may encourage responsible contraceptive behavior," the study's authors concluded, "policymakers seem to have little leverage with regard to influencing the decision to become sexually active." ◧

New frontiers in decentralization

Your Papers, Please

Jesse Walker

WHEN TALK TURNS to devolving the functions of government from Washington to the local level, the conversation usually centers around education, transportation, health care, and the like. But immigration policy?

While the U.S. and Mexico crawl slowly toward an immigration treaty that will pass muster in Washington, many American communities have rushed ahead, agreeing to accept cards called *matrículas*, issued by Mexican consulates to Mexican citizens, as legitimate IDs. According to *The Arizona Republic*, the cards have "allowed thousands of undocumented immigrants to live quasi-normal lives. They can now open bank accounts, check out books at public libraries and even face officers without fear of deportation."

At last count, 66 banks and 801 police departments in the United States accept the matrículas. The practice is spreading from the Southwest to other parts of the country: In April the SunTrust banking chain announced that it would accept

25 years ago in reason

"Wartime newspaper writing can come close to intellectual prostitution."

—Felix Morley, "In the Course of Human Events"

"According to the Knight news service, the Supreme Court will soon rule on that burning issue: 'When people flush their toilets in one state and the product winds up in another, is that interstate commerce?'"

—Bill Birmingham, Brickbats

"One does not support a movement which cries shrilly about liberty for itself, while preparing to stick a gun in the ribs of everyone else."

—Edith Efron, "Warning to Constitutional Republicans"

"If a whorehouse madam makes a valid criticism of modern marriage; if an embezzler makes a valid criticism of banking operations; if a murderer points out a flaw in the prison system...or if a madman shouts out '1 plus 1 equals 2'—one must indeed agree."

—Edith Efron, "Warning to Constitutional Republicans"

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the cards at branches across the Southeast. Thus far, the INS has tolerated the phenomenon, recognizing that most matrícula-bearing Mexicans are probably illegal but also acknowledging that the possession of such a card is not itself grounds for arrest.

In September, Guatemala began issuing the IDs as well, and other Latin American countries are considering matrícula programs of their own. And the federal immigration treaty between the U.S. and Mexico? There's no indication that it will be signed anytime soon.

Closing the little red book

Capitalists, Unite!

Charles Paul Freund

"THE WORLD IS changing," Chinese President Jiang Zemin told the 16th Communist Party Congress in November. "We must adapt ourselves." Jiang's adaptation, offered as his legacy on officially leaving office, was finally to junk Karl Marx, thus "free[ing] our minds...from the erroneous and dogmatic interpretations of Marxism."

Marx has gone missing in Chinese practice for years, but the party had maintained lip-service regard for the concept of class struggle. No more. Jiang's new dogma is called, in true Chinese party style, "The Three Represents," an awkward label that means the party now reflects all elements of society, including rich capitalists and foreign-owned companies. According to Jiang, it is now unacceptable "to judge whether people are progressive or backward by how much property they own." Indeed, Jiang said that "all legitimate income, from work or not, should be protected."

Of course, the new "Jiang Zemin Thought," adopted in the usual unanimous fashion by the congress, does not allow for the surrender of any power by the party, or for countenancing dissent; China immediately closed those left journals that complained about the rhetorical shift. Outside critics, including *The New York Times*, have called the new arrangement a change from socialism to "plutocracy" and suggested that it opens the door for the complete exploitation of Chinese workers by international corporations cozy with the state.

That's not quite right. Yasheng Huang of the Harvard Business School points out that much of China's capitalist class consists not of corporate fat cats but of peasants, because the rural populace was allowed more freedom to experiment than were city dwellers who posed a threat to China's state-owned enterprises. Huang adds that while China has indeed been facing worker restiveness, the problems are all in the socialist provinces, not in those provinces where foreign companies are situated.

"Under today's arrangements," Huang wrote in an analysis published in numerous Asian newspapers, "China faces a choice between the 'Dictatorship of the Proletariat' or the 'Three Represents.' Which to choose seems very clear to me."

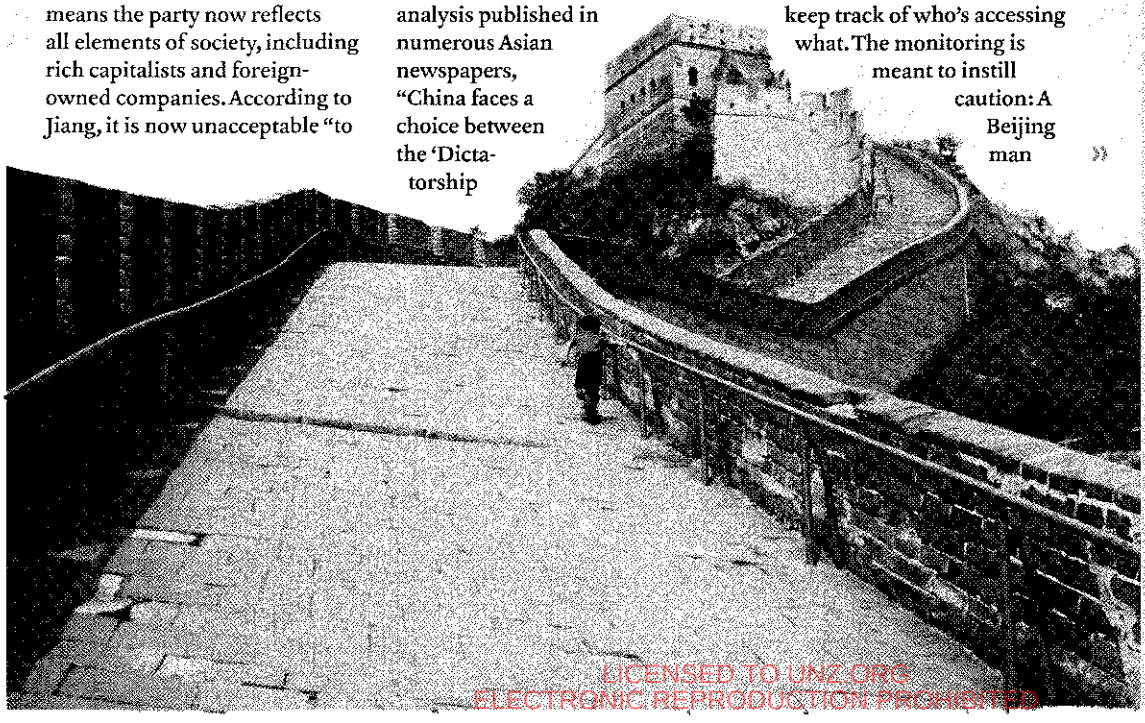
War on cybercafé society

Great Firewall of China

Brian Doherty

COMMUNIST PARTY doctrine may be evolving, but the Chinese government recently renewed its commitment to a time-honored practice: censorship. Long famous for building firewalls to keep its citizens "protected" from foreign Web sites, the government now has begun to close down public cybercafés—the only access most Chinese have to the Internet. Since a June fire in an illicit, locked-door cybercafé in Beijing killed more than two dozen people, the Chinese government has closed down 150,000 such shops across the country.

The government has allowed a few cafés in Beijing to reopen, but they are strictly regulated. Owners have to pledge not to spread information that might be against the interests of Chinese state security and stability. They also can't operate near schools, where a younger generation hungry for information from the outside world could be easily corrupted. Cybercafé customers are required to use special ID cards encoded with personal information so the state can keep track of who's accessing what. The monitoring is meant to instill caution: A Beijing man »



Quotes

"There's so much talk about 9/11, but what the crooks on Wall Street and big corporations have done to us has been far more destructive."

—novelist Kurt Vonnegut, famous for surviving the bombing of Dresden, in the November *Indianapolis Monthly*.

"Maybe at last we can retire that awful phrase that has been flapping its way through the newspaper headlines since the Clinton campaign of 1992—'It's the economy, stupid.'...If it were the economy, stupid, then House Speaker Hastert would be yielding his chair to Dick Gephardt and George Bush would be deluged in rotten cabbages every time he appeared in public."

—Alexander Cockburn, *New York Press*, November 6–12

Source

Want to know how many people live in Seychelles? (78,641.) Which country uses the most electricity, besides the U.S.? (China.) Which country has the most heliports? (South Korea.) Those answers were all found at www.your-nation.com, which ranks countries in more than a dozen different categories, using statistics culled from the 1998 CIA World Factbook. And to find out whether those rankings have changed over time, visit this year's Factbook at www.cia.gov/cia/publications/factbook/.

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Brickbats

While awaiting trial for robbery, Joseph Banatlao escaped from a jail in the Philippines. Well, actually he escaped from a karaoke bar. It seems that Banatlao slipped out the back while a guard and another prisoner were singing. Officials want to know why two prisoners were out of the jail, much less carousing with a guard.

The Ayatollah Mohsen Mujtahed Shabestari, who is supreme leader Ayatollah Ali Khamenei's personal representative to Iran's Azerbaijan province, is upset with three U.S. religious figures: Jerry Falwell, who has called the prophet Mohammed "a terrorist"; Pat Robertson, who claims Islam is a religion seeking to "dominate and destroy"; and Franklin Graham, who says Islam is "very evil and wicked." Shabestari sought to disprove these false notions by calling for the three to be killed.

Wiccan priestess Cyndi Simpson wants her town's Board of Supervisors to add her name to the list of clergy members who say prayers before board meetings. But the board of Chesterfield County, Virginia, refuses. The "nonsectarian" prayers are reserved for "Judeo-Christian" clergy. "Based upon our review of Wicca, it is neo-pagan and invokes polytheistic deities," county attorney Steven Micas told Simpson. "Accordingly, we cannot honor your request."

Kip Kohn pays his bill from the Long Island Power Authority each month and usually includes a complaint about his service. So when he wrote "LIPA sucks" on an envelope and stuffed it with his payment and a wad of LIPA newspaper ads marked with "Stop wasting our money!", it was par for the course. Nevertheless, the letter frightened bill processors. Security evacuated the mailroom and called in the police and a postal inspector. It took a bomb squad and a hazardous-materials crew several hours to determine that Kohn's special delivery wasn't dangerous. He now faces charges of aggravated harassment.

At least two absentee votes were cast at a Kenosha, Wisconsin, facility for the mentally disabled immediately after a bingo party where workers for Democratic Attorney General Jim Doyle's 2002 gubernatorial campaign handed out prizes. Staff at the facility also obtained an absentee ballot for a female resident who is a convicted felon.

About one in three homeless families in New York City's shelters refuses offers of public housing. "Some reject more than one home. Sometimes, there is an objection to the size of the apartment. Sometimes, folks do not want to be in the neighborhoods," says city official Linda Gibbs.

Migran Changulyan and 13 others have been charged by the state of California with fraud and face up to eight years in prison each. What did they do? They recycled cans and bottles. California consumers pay a deposit on glass, plastic, or aluminum containers, which they can then redeem at state collection centers. The accused are charged with buying bottles and cans in other states and in Mexico and bringing them to California. They bought aluminum cans for about $950 a ton and then sold them in California for about $2,490. Plastic bottles bought for $90 a ton earned them $910 in state.

Charles Oliver

› was sentenced to 11 years in prison for downloading verboten political content.

The Chinese government isn't able to accomplish this high-tech censorship alone. It needs Western technology—technology supplied by such U.S. firms as Cisco, Nortel Networks, and Yahoo! A November article in *Red Herring* reports that the Chinese information crackdown may prompt the U.S. Congress to pressure American firms not to do business in surveillance and firewall technologies with China.

Freedom of assembly under fire

Zoning Speech

Jesse Walker

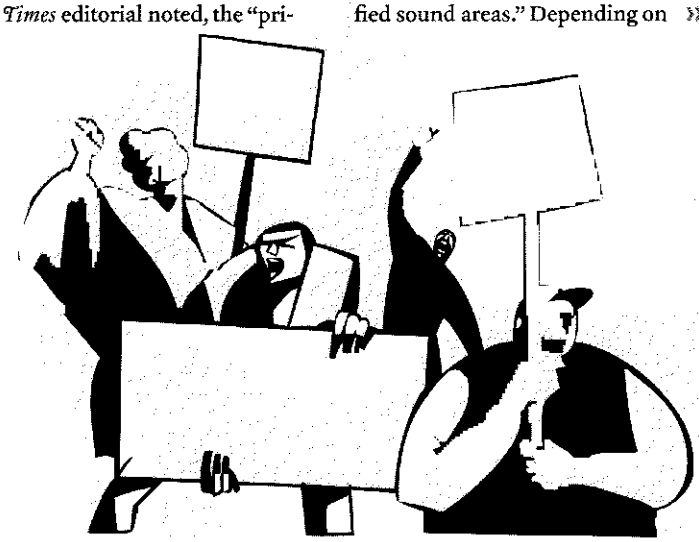
On November 1, the American Civil Liberties Union filed suit against the City of Tampa and its chief of police on behalf of three peaceful protestors who had been forcibly removed from a presidential rally. Janis Lentz, Mauricio Rosas, and Sonja Haught had committed the crime of holding signs with unwelcome messages: "Investigate Florida Votergate," "June Is Gay Pride Month," and "Boo!"

The June rally, attended by President Bush, took place at Legends Field, a private (though tax-funded) stadium. Under other circumstances one might argue that its owners have a right to exclude whomever they please. But as a *St. Petersburg Times* editorial noted, the "private" rally "had a distinctly public character." It was run in part by public employees and organized in part by White House staff; a White House spokesperson called it "a governmental, presidential event."

The three expelled sign holders were not the only people in Tampa who wanted to protest the president's visit. About 150 were sent to a specially designated First Amendment Zone created by local statute, half a mile from the event. There they chanted, waved signs, and otherwise expressed their political views to any ralliers who happened to be dreadfully lost.

Such free speech zones are most common on college campuses, which first experimented with the idea in the 1960s. In the last five years, more than 20 colleges have instituted such restrictions, in what Greg Lukianoff of the Foundation for Individual Rights in Education calls a "perversion of constitutional law" that suggests "speech is to be feared, regulated, and monitored at all times."

Under fire from civil libertarians, some schools, including West Virginia University, Penn State, and the University of Wisconsin at Whitewater, have backed off such regulations. Others continue to segregate controversial speech. The University of Texas, which ran into a conflict last year over the proper placement of an anti-abortion display, is thinking of renaming its "free speech zones" as "amplified sound areas." Depending on »



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Balance Sheet

Jeff A. Taylor

Home Court

The California Supreme Court rules that Hollywood cannot drag a Texas man into Golden State courts because he posted an unlicensed DVD decoder on the Net. The DVD Copy Control Association should file suit in the man's home state or the state where it thinks the offense occurred, the court says.

French Stew

A French court brushes aside arguments from Jose Bové's lawyers that the tech-hating sheep farmer had no choice but to attack and destroy a field of genetically modified crops. Bové now faces several months in prison and wants President Jacques Chirac to pardon him.

Net Good

Web charity is alive and well. Visitors send $20,000 to the youthful proprietress of savekaryn.com to help defray her credit card bills. And Ernie's House of Whoop Ass enters its second year of PayPal donations to fund holiday travel for overseas U.S. military. Last year visitors donated $13,000.

Duty Call

The Bush administration calls for the elimination of all tariffs on manufactured goods by 2015. The change would affect an estimated $6 trillion in goods.

Change Due

The Ohio Education Association backs down and allows a member teacher to use her dues to support the American Cancer Society instead of the union's political activities. The union admits no wrongdoing, however, and refuses to acknowledge the "sincerity" of teacher Kathleen Klamut's "professed beliefs."

Quantum Leap

Just in time for the total surveillance state, here comes quantum encryption. The process, which scrambles individual photons, is fast, requires no keys, and is thought to be unbreakable.

Mystery Map

The National Geographic Society says only 13 percent of Americans aged 18 to 24 can find Iraq on a map. Slightly better known—after a year of bombing it—is Afghanistan, with fully 17 percent of those surveyed able to pinpoint it.

Secret Sales

The perverse Digital Millennium Copyright Act (DMCA) is used by WalMart, Target, Best Buy, and Staples to force Web sites to delete any information giving consumers advance notice about sales. The retailers claim their prices are DMCA-protected trade secrets.

Approval Upheaval

After nearly two years without an administrator, the Food and Drug Administration now takes more time to approve an application than it has in 10 years. New drugs trickle into the market.

Official Reminder

A public school superintendent in Illinois sends policemen and truant officers to demand that homeschoolers appear for a "pre-trial hearing" to prove they are actually teaching their kids. State law has no such requirement for parents.

Pill Boxes

Patients receiving prescriptions in Indiana and 18 other states may find the Drug Enforcement Administration has information on their medical backgrounds, right down to the number of pills they take. Drugs such as Percodan, Vicodin, and Lorcet are part of the Diversion Control Program, which means the feds track who takes them.

Osama Tax

New York City adopts an 18.5 percent property tax hike that some pols call a "wartime tax." In reality, war has nothing to do with it. During the '90s states and localities went on a spending binge that now has to be paid for.

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Data

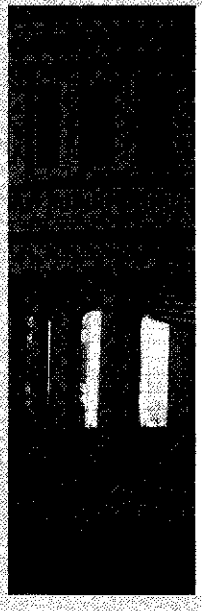
All the Presidents' Employees

Brian Doherty

It's often said there isn't a dime's worth of difference between today's two major political parties. But Democrats and Republicans still try to cast themselves as cats and dogs. For example, Republicans label their adversary the party of big government, while Democrats count the GOP as a tool of the military-industrial complex.

Does the rhetoric reflect reality? When considering statistics about civilian employment by the federal government, the answer is clearly no.

During the last 40 years, Democratic administrations added to the federal government's payroll 31,000 civilian defense employees (Defense Department employees who aren't soldiers), and 49,000 nondefense employees—some growth in both categories. But Republican administrations have on balance *subtracted* 426,000 civilian defense jobs—and added 320,000 nondefense employees. That adds up to bureaucratic bloat more than six times that of the Democrats. The biggest slasher of federal nondefense payrolls was Bill Clinton.



Government Employees Added or (Subtracted)

	Civilian Defense	Non-Defense
Kennedy	(12,000)	73,000
Johnson	312,000	105,000
Nixon/Ford	(333,000)	213,000
Carter	(25,000)	(14,000)
Reagan	91,000	3,000
George H.W. Bush	(184,000)	104,000
Clinton	(244,000)	(115,000)

Source: Budget for Fiscal Year 2003, Historical Table 17.1, "Total Executive Branch Civilian Employees: 1940–2001"

› whom you ask, this is either an Orwellian obfuscation or a welcome return to neutral regulation of the time, place, and manner of speech.

Meanwhile, as events in Tampa and elsewhere show, speech zoning has started to spread into the post-matriculation world. From Pittsburgh, Pennsylvania, to Stockton, California, protesters at presidential appearances have been sent to small, distant speech zones and threatened with arrest if they try to leave. Apparently, when George W. Bush comes to town, the right of free assembly gets suspended. ◻

Sex offender registration

Dangerous Assumption

Jacob Sullum

"WHEN THEY REENTER SOCIETY at large," Solicitor General Theodore Olson said in a recent Supreme Court brief, "convicted sex offenders have a much higher recidivism rate for their offense of conviction than any other type of violent felon." Olson was defending sex offender registration laws, two of which—Alaska's and Connecticut's—have been challenged in cases the Supreme Court heard last fall.

Such laws, which have been adopted by all 50 states, require sex offenders released from prison to report their whereabouts to the government, which passes the information on to the public. As Olson's claim reflects, one of the main rationales for singling out sex offenders is the assumption that they are especially likely to commit new crimes. That belief, although widely held, seems to have little basis in fact.

Olson himself cited data from the Bureau of Justice Statistics that contradict his assertion. Among prisoners released in 1994, 2.5 percent of rapists were arrested for a new rape in the three years covered by the study. By comparison, 13 percent of the offenders who had served time for robbery and 23 percent of the offenders who had served time for (nonsexual) assault were arrested again for similar crimes.

Studies that cover longer periods and include other kinds of sex offenders find higher recidivism rates, but still nothing like those claimed by politicians.

In 1996 a California legislator declared that sex offenders "will immediately commit this crime again at least 90 percent of the time." The National Center on Institutions and Alternatives cites three large studies, covering tens of thousands of sex offenders, that reported rearrest rates for sex offenses ranging from 13 percent to 19 percent.

It seems that a large majority of people forced to register as sex offenders are actually *former* sex offenders who will not repeat their crimes. Moreover, registration laws cover not only rape and child molestation but nonviolent offenses such as consensual sex with a teenager, indecent exposure, and possession of child pornography.

No wonder Connecticut's online Sex Offender Registry proclaimed that "the Department of Public Safety has not considered or assessed the specific risk of reoffense with regard

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to any individual prior to his or her inclusion within this registry, and has made no determination that any individual included in this registry is currently dangerous." The disclaimer may have negated the whole point of registration—warning the public about especially dangerous offenders—but at least it was honest.

DNA testing and justice

Guilt Tip

Ronald Bailey

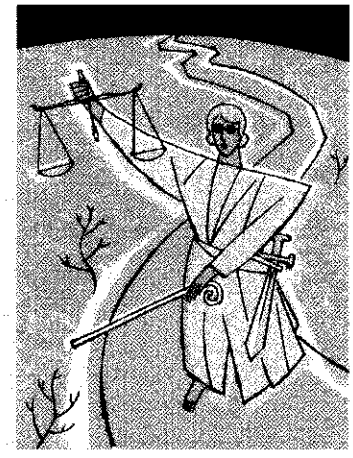
THE GUILT OR innocence of a man executed for murder is less important than adhering to legal niceties, the Virginia Supreme Court declared in late October. The court refused to use modern, highly accurate DNA testing in the case of Roger Keith Coleman, a man executed in 1992 by the Commonwealth of Virginia for the 1981 rape and murder of his sister-in-law Wanda McCoy.

The physical evidence, including semen samples, pointed strongly to Coleman's guilt. But he staunchly denied that he had murdered McCoy even as he went to his death.

The biological evidence in the Coleman case has been stored at a California testing lab for more than a decade. A group of newspapers, including *The Washington Post* and *The Boston Globe*, sought legal permission to have those samples tested again using today's more accurate DNA techniques. Virginia officials, including two attorneys general, fiercely resisted the request, maintaining that criminal proceedings and convictions must have judicial finality.

Much more was at stake than Coleman's guilt or innocence. Death penalty opponents have yet to find a modern U.S. case in which a demonstrably innocent person has been wrongfully executed. They believe that even one such case would dramatically reduce the American public's consistent support for the death penalty and eventually lead to its abolition. Death penalty proponents believe (and fear) exactly the same thing. Today 26 states, including Virginia, permit access to post-conviction DNA testing, up from only two in 1999. The Virginia Supreme Court's refusal to use such testing in the Coleman case is particularly strange since the state has been the leader in using DNA to solve crimes. Since the state's DNA database opened for business in 1989, it has helped solve 900 crimes in which there were no known suspects. In addition, six Virginia inmates have been released based on post-conviction DNA testing. Nationally, 111 inmates have been released based on such tests.

In November, Virginia voters handily passed a ballot initiative for a state constitutional amendment that would make it easier for convicted felons to request modern DNA testing to prove their innocence. That amendment will not affect the Coleman case, but Gov. Mark Warner can still order that the DNA evidence be tested. Voters seem to agree that if the state is going to claim the awesome power to execute murderers, it should make every effort to insure that those it kills are in fact guilty.



Drawing 9/11

Sara Rimensnyder

Chip Bok

Starting a career in political cartooning is a tricky business. In the case of award-winning scribbler Chip Bok, his first full-time position, at Florida's long-defunct *Clearwater Sun*, came after a six-year hunt. It also ended in dismissal after a short six months, when a new editor who wanted only local cartoons took over. "It didn't take long before I had offended just about everybody in town and probably most of the advertisers," recalls Bok.

He recovered. His new book, *Bok! The 9.11 Crisis in Political Cartoons* (University of Akron Press), brings together nearly a year of his cartoons from the *Akron Beacon Journal*, where he's been on staff since 1987. The 50-year-old Bok is also syndicated, bringing his 'toons to rags such as the *Chicago Tribune*, *The New York Times*, and *Reason Online* (reason.com/boktoc.shtml).

Yet if it weren't for *Mad* and a certain presidential scandal, Bok might never have found his calling. "Alfred E. Neuman and Richard Nixon launched a lot of editorial cartoonists," he says, "including me." Assistant Editor Sara Rimensnyder spoke to Bok by telephone in November.

Q: 9/11 was a difficult event for humorists. What have been the particular challenges for political cartoonists?

A: Editorial cartooning is a negative art form: criticizing, satirizing, making fun of authority. In the case of 9/11, I didn't want to do that. It didn't seem like the moment to criticize the commander in chief—to see how close I could get his eyeballs together, how bushy I could make the eyebrows. That just didn't seem to fit. And though there were plenty of heroes to memorialize, it's hard to do positive cartoons. I'm more into tearing things down.

Q: So you eventually returned to your usual, scathing self?

A: What broke the mental logjam was White House spokesman Ari Fleischer's reaction to Bill Maher's comment that suicide bombers were brave, not the cowards Bush had called them. Fleischer said, "People better watch what they say." Gee whiz, I thought. President Bush has a 90 percent approval rating, and they can't even tolerate a slightly critical statement on a late-night show called *Politically Incorrect*.

Q: Are political cartoonists still under pressure to be patriotic?

A: Not now. For a month or two there, yes. And that just renders cartoonists impotent. There's a place for flag waving, but we're not the guys to do it. You see these weeping Statue of Liberty cartoons, or Uncle Sam rolling up his sleeves. The time when that inspired people is long past. People look to political cartoons for some healthy skepticism about authority.

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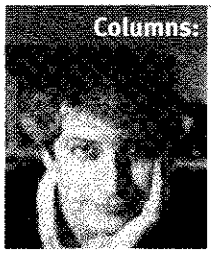

Liberal Martyrdom in Iran

An academic takes on the ayatollahs

IT'S A PITY that so much of the attention given to the Islamic world is lavished on its thugs and psychopaths, because its men and women of courage are largely overlooked.

The case of the Iranian academic Hashem Aghajari is an impressive example. In June, Aghajari, a popular history professor who belongs to a left-wing opposition group, gave a public lecture calling for political reform and "religious renewal." Each generation, he argued, has the right to interpret Islam anew; no one should "blindly follow religious leaders" of the past. The result was that he was charged in Iran's religious courts with apostasy; on November 6 he was found guilty in a closed-door trial. He was sentenced to be hanged.

Iran's restrictive and brutal Islamist government has lost the support of much of the populace, and the Aghajari verdict immediately threw the country into turmoil. Outraged pro-reform members of the national parliament exchanged bitter accusations with the conservative clerical judiciary (the parliamentary speaker described his reaction as one of "hatred" and "disgust"), and students in Tehran and elsewhere staged daily street demonstrations in support of Aghajari. Iran's political stability, shaky in any event, quickly became an issue.

Within a week of the verdict, Iran's supreme leader, Ayatollah Ali Khamenei, appeared on national television threatening to use the hardline popular militias to impose order. "The day the three branches are unable or unwilling to settle major problems," he told the country, "the leadership will, if it thinks it necessary, use the popular forces to intervene."

Aghajari had the right to appeal his verdict, which presumably would have allowed a deal to be worked out to defuse the crisis. (Other controversial death sentences have been reduced on appeal.) But in a dramatic turn of events, Aghajari refused to appeal. According to his lawyer, Aghajari said that "those who have issued this verdict have to implement it if they think it is right or else the judiciary has to handle it." In other words, he had determined to risk his life so as to force Iran's judicial establishment to confront its own barbarity.

In the meantime, Aghajari's family reported that he was suffering in prison. According to Amnesty International, his right leg, amputated at the knee as a result of the Iran-Iraq war, had become infected. He was unable to stand or walk, even to the prison bathrooms. Nevertheless, he was prepared to sacrifice himself in the name of liberal principle, an act of potential martyrdom that contrasted dramatically with the acts of the unspeakable but celebrated ghoul "martyrs" who detonate themselves to kill children in strollers.

One of the most striking elements of the turmoil surrounding Aghajari involved Tehran's students, who continued their demonstrations for two weeks. *The New York Times* reported that they engaged in such chants as, "The execution of Aghajari is the execution of the university!" Students gathered at the end of their demonstrations to sing a popular nationalist song called "Ey Iran," thus invoking an Iran that transcends clerical rule. These protests gradually widened in their focus, becoming the biggest student disturbance in several years.

Some students reportedly called for the resignation of the nation's reformist president, Mohammad Khatami, out of frustration with the slow pace of reform in the face of entrenched conservative rule. Students even publicly criticized Ayatollah Khamenei, a dan-

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gerous tactic that had not occurred during any previous anti-clerical student uprisings.

Support for Aghajari was in notable contrast to what has been happening in recent years on campuses elsewhere in the Islamic world. Prominent academics, such as Egypt's Nasr Abu Zeid, have been driven from their jobs and even from their countries by Islamist judicial and intellectual bullies who have been terrorizing scholarly life. (In Abu Zeid's case, Islamist jurists even intervened in his marriage, declaring it null.) Iran's students, on the other hand, appeared anxious to be rid of their failed revolution entirely and return to liberal values. As one prominent student told a student press agency, "We must reach a stage in our destiny that we have lawful rights and freedoms."

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After a week of upheaval, Khamenei ordered that Aghajari's case be reviewed, a signal that the death sentence probably would be reduced. (Aghajari had also been sentenced by the same secret court to 74 lashes and a long period of internal exile.)

Students, however, responded with yet more demonstrations. As one of them told foreign reporters (there was no coverage in the local press), "Our problem is not only the revision of the death sentence on Hashem Aghajari, but freedom of speech and freedom in general."

> An Iranian history professor determined to risk his life so as to force his country's judicial establishment to confront its own barbarity.

Khamenei then let loose the hardline militias. Hundreds of armed thugs invaded campuses to disrupt demonstrations and beat students, injuring some of them severely. Militia members taunted the students as "enemies of the revolution"; students taunted them in turn, calling for "Death to the Taliban in Kabul and Tehran."

The Aghajari case has been replaying earlier dramas of secularism's painful encounter with Islamist clerics, whether they are Shi'ites, as in Iran, or Sunnis, as is the case in much of the Arab world. The example most like Aghajari's is also among the most celebrated of its kind, involving Egypt's great scholar Taha Hussein. In the 1930s, during Egypt's all too brief "liberal interlude" that ended with the rise of Nasser, Hussein too was accused by clerics of apostasy. But he was defended by the university community, which in those years embraced freedom of thought and even political liberalism.

Although Hussein was driven from his scholarly work by Egypt's prime minister in 1932, he was able to return two years later. It was a famous triumph: Students returned him to his office on their shoulders. When Hussein died in 1973, his casket was borne along the route of his triumph. Unlike Aghajari, however, Taha Hussein didn't face execution for apostasy in the 1930s; it would have been unthinkable.

Although Aghajari's death sentence backfired on the clerics, Iran has had numerous other cases of liberal opposition that ended in death. One of the most terrible involved Homa Darabi, a prominent woman doctor. Darabi refused to wear the restrictive chador while working with patients and as a result was eventually hounded from her teaching post, her hospital appointment, and her private practice. In 1994, after an extended period during which she felt she could not leave her house, Darabi entered a crowded Tehran square, removed her long overcoat and scarf, and drenched herself with gasoline.

"Death to oppression! Long live liberty!" she shouted, then set herself afire. Having hounded her in life, Iran's clerics smeared her in death. According to them, Homa Darabi died a madwoman.

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Consciousness Raising 101

Inside the gender studies classroom

FOR THE SECOND year in a row, I have had the fascinating experience of playing a role in which I never expected to find myself: professor of a gender studies course.

In 2001 David Hendrickson, then chairman of the political science department at Colorado College, contacted me about teaching a short course. Colorado College, a small, selective liberal arts school in Colorado Springs, has a unique system in which a semester is divided into four "blocks." Each student takes one five-days-a-week, three-and-a-half-week course at a time. The system allows the school to make liberal use of visiting professors.

Given a chance to design my own course, "Beyond the Gender Wars," I decided to offer a survey of different approaches to contemporary gender issues, with a focus on challenges to orthodox feminism offered by writers such as Christina Hoff Sommers (*Who Stole Feminism?*), Warren Farrell (*The Myth of Male Power*), and Katie Roiphe (*The Morning After*). I fully expected the experience to be educational for me as well as my students, and I wasn't disappointed.

It is something of a truism that while young women today reject the "feminist" label, they embrace the feminist principles of equal opportunity and flexible gender roles. Both my classes—the first comprising six women, the second nine men and six women—bore this out. Only one student in the first class, and three in the second (one man and two women), had previously taken any courses studying feminism. Most had paid little or no attention to gender issues; they had so little knowledge of the women's movement that the phrase *consciousness raising* did not ring a bell with anyone. Most were turned off by feminism's radical image.

Yet these young people were not only overwhelmingly supportive of broad "equality feminist" goals but strikingly predisposed to believe various claims of inequities toward women in modern-day America. Thus, it was universally taken for granted—at least when the topic was first brought up—that the gap between male and female earnings was due to discrimination against women and amounted to proof that sexism was alive and well.

Our readings and discussions, however, had some effect: Late in the course, when we got around to reading Jennifer Baumgardner and Amy Richards' "Third Wave feminist" book *Manifesta*, which espouses "pay equity" as a key item on the feminist agenda, many students questioned without prompting the authors' use of statistics on unequal pay.

For most students, the "myth-debunking" critique of orthodox feminism—the exposés of bogus and manipulated facts and statistics—proved powerful and eye-opening. One of my most amusing moments came this year, after I assigned four readings for the discussion of domestic violence: two representative feminist pieces purporting to document a domestic violence epidemic caused by sexism and tacitly abetted by society, and two critiques explaining the dubious origin of such claims as "battering is the leading cause of injury to American women." One student lamented that he had read the pieces "in the wrong order"—the "dissidents" first. "By the time I read the last two," he said, "I kept going, 'That's a lie!'" Interestingly, he and a few others said that our readings about ideologically motivated statistical shenanigans had left them with a healthy skepticism of *all* statistical and factual claims, by feminists, anti-feminists, or anyone else.

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The women, including those most inclined to identify with feminist views, were perhaps most receptive to the argument that treating women as perpetual victims becomes a self-fulfilling, infantilizing prophecy. Thus, Roiphe's scathing indictment of "rape crisis feminism," with its dogma that women are imperiled by male brutes at every turn and that verbal pressure is just as bad as physical violence, was largely well-received, even if some students felt that Roiphe was too dismissive of the problem of real acquaintance rape.

Even more positive was the reaction to the readings from Daphne Patai's *Heterophobia: Sexual Harassment and the Future of Feminism*, which examines the politics of the "sexual harassment industry." Not one student favored ridding the workplace or the classroom of all sexual innuendo, bawdy humor, and other expressions of sexuality, and most shared Patai's view that it's impossible to eliminate all unwanted sexual attention without intolerably policing the welcome kind.

Other challenges to conventional feminist views turned out to be more controversial. With few exceptions, female students were wary of the view that biological differences between men and women could at least partly account for gender-based disparities in the workplace—a topic that prompted one of the most heated exchanges in the class this year.

"Bullshit!" cried Nan, a fragile-looking blonde, when a male student remarked that men were more physically fit than women for some jobs. (All names of students mentioned in this column are pseudonyms.) Nan's exclamation elicited a more verbal outburst from George, a tall, broad-shouldered, baby-faced young man from a working-class background. "I don't care if you beat me up," George said. "I've spent a lot of summers doing heavy labor, like loading boxes and laying railroad tracks, and I swear, I don't think there is one woman who could have done the work we did."

Interestingly, some students' views on the social implications of biological differences flip-flopped when we got to another contentious topic: male reproductive rights. None of the students had given much thought to the paradoxical situation created by *Roe v. Wade*, which allows women but not men an "out" from the consequences of unwanted pregnancy.

Proposals for a "male abortion"—a legal procedure by which a man could terminate his paternal rights and responsibilities early in the woman's pregnancy—sparked a debate that divided the students more or less along gender lines. The men tended to be sympathetic to accidental fathers trapped into 18 years of child support; the women tended to be sympathetic to abandoned mothers who, they worried, might be pressured into having abortions even when they wanted to raise the child if they knew they couldn't count on financial support from the father. Suddenly, Nan was arguing that sometimes we just have to accept that biological differences place men and women in unequal situations.

Perhaps the strongest feelings emerged from our reading of *The Myth of Male Power*, which turns many conventional feminist arguments on their head, highlighting the ways in which both traditional gender roles and modern feminism disadvantage *men*. Curiously, the all-female class I had last year was noticeably more sympathetic to Farrell's arguments than this year's mixed-gender class; it may be that in a mixed environment the women reacted more defensively to Farrell's often critical view of female attitudes and behavior, while the men were reluctant to take his side for fear of appearing sexist.

The students' largely sarcastic reaction to *The Myth of Male Power* was partly a response to Farrell's often hyperbolic complaints of male victimhood (e.g., his characterization of high school football as "male child abuse"), perceived by most as an attempt to one-up the "victim feminists." To some extent, however, it also showed a deep-seated discomfort with the idea of men laying claim to gender-based disadvantage.

This year, right on the heels of Farrell, we read excerpts from Peggy Orenstein's book *Flux: Women on Sex, Work, Love, Kids and Life in a Half-Changed World*, which supported some of Farrell's claims: specifically, that many young women want to enjoy the fruits of equality but also see it as their prerogative to be financially supported if they want to give up, suspend, or scale down their careers when they have families, and that as a result women today have much more flexible options than men. Several of the women sheepishly admitted that this claim seemed much more plausible coming from Orenstein.

I can only hope that our lessons had some lasting effects. ▯

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The Spirit of '73

An ugly nostalgia sweeps the globe

When George W. Bush selected mummified diplomat Henry Kissinger to head his investigation into pre-9/11 intelligence failures, he outraged everyone. The left blames Kissinger for extending the Vietnam War and instituting lethal realpolitik; the right blames him for losing the war and turning Nixon red. But there's a deeper message in seeing a bureaucrat three decades past his sell-by date get a new job—even one he resigned from almost immediately. All over the world, the keys of government are held by people for whom the world clock stopped sometime around 1973.

This collective nostalgia is widely dispersed. India thrives under the leadership of Atal Behari Vajpayee, a Hindu Mussolini whose militantly anti-Muslim vision seems more suited to the 1971 Indo-Pak war than to the era of high-tech Bangalore. Across the Kashmiri divide, Pakistan's president, Pervez Musharraf, boasts a more venerable legitimacy, having seized power in a military coup identical to the ones that installed Gens. Muhammad Ayub Khan in the '50s and Mohammed Zia ul-Haq in the '70s.

A continent away, Zimbabwean President Robert Mugabe plays such Super Sounds of the '70s as rigged elections, land seizures, and wholesale nationalization. A more restrained New World version of this rusty iron-man model can be seen in Venezuela, where Hugo Chavez took a case of economic malaise and socialized it into full-blown economic metastasis. The jury's still out on Brazil's new leader, Luiz Inacio Lula da Silva, but if he holds to the moth-eaten socialist nostrums that built his cult of personality, Brazilians can look forward to the kind of financial security not seen since Pelé signed up with the New York Cosmos. It's surprising that Kissinger didn't figure out a way during his brief tenure to assassinate all three leaders—though the Bush administration's tacit backing of an anti-Chavez coup attempt was an honest start.

The Middle East is a regular Brady Bunch reunion of '70s characters and policies. Syria and Jordan are both controlled by the idiot sons of Nixon-era dictators. Israeli Prime Minister Ariel Sharon's application of Yom Kippur War tactics to the age of suicide bombers has helped send record numbers of both Israelis and Palestinians to heaven. By all appearances, Yasir Arafat hasn't changed his clothes in 30 years. Egypt, Libya, and Iraq are all run along socialist/nationalist models that last seemed viable when Skylab was flyin' high.

Across Western Europe, calcified labor unions and welfare systems form obstacles Evel Knievel himself would have had trouble clearing. Gerhard Schroeder leads Germany with a stagflationary combination of socialist economics and old-school America baiting. Jacques Chirac, perhaps the West's most lucid leader, gets nowhere against France's all-powerful bureaucracies. Tony Blair's New Labour Party has bogged down, with the United Kingdom engaging in vintage arguments about whether its health and security bureaucracies are prepared to fight terrorism. The only difference between now and the '70s is that Al Qaeda is providing the terror while the IRA catches its breath.

In such sterling company, President Bush is far from the most objectionable case, but he is certainly the saddest. With a crabbed combination of compulsive secrecy, protective tariffs, erosion of privacy, an expanded federal role in education, and the creation of a new cabinet-level agency, the Bush administration recalls the grimly alienating and ideology-free Nixon administration more than it does the sunny, confident Reagan legacy to which it lays claim.

None of this would matter if it were as easy to ignore government as it was a few years ago. While the free market was busy developing cellular telephony, the consumer Internet, a high-employment global economy, and 24-hour mattress delivery, it was possible to forget for a while that leaders of nations were still working on the political equivalent of the swine flu vaccine. But the ability to keep the government out of your life and plans is yet another casualty of 9/11. Is it a relief or a pity that Spiro Agnew isn't around to replace Dick Cheney on Bush's '04 ticket? ■

Tim Cavanaugh (tcavanaugh@reason.com) is **reason**'s *Web editor.*

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OREGON HEALTH CARE INITIATIVE
YES 20%
NO 80%
...MEASURE 23 IS HEADING FOR DEFEAT...
WHAT INSPIRED YOU TO RUN AS A LIBERTARIAN CANDIDATE?
MOTORCYCLE HELMET LAWS.
I LOST MY NOMINATION BID TO A NOTORIOUS PARANOID LUNATIC WHO ISN'T EVEN A MEMBER OF THE PARTY...
HOW DID HE GET THE NOD, THEN?
NAME RECOGNITION, I GUESS!
HOW LONG HAVE YOU BEEN THE STATE PARTY CHAIR-PERSON?
SINCE JULY.
HOW LONG HAVE YOU BEEN A MEMBER OF THE PARTY?
SINCE JUNE.
STATE SENATE
(D) 53%
(L) 4%
(R)
...WE BARELY GOT 3% OF THE VOTE AGAIN THIS YEAR...
YEAH, BUT THIS TIME WE GOT TO BE SPOILERS!
THE GREENS HAVE GOT NOTHIN' ON US!
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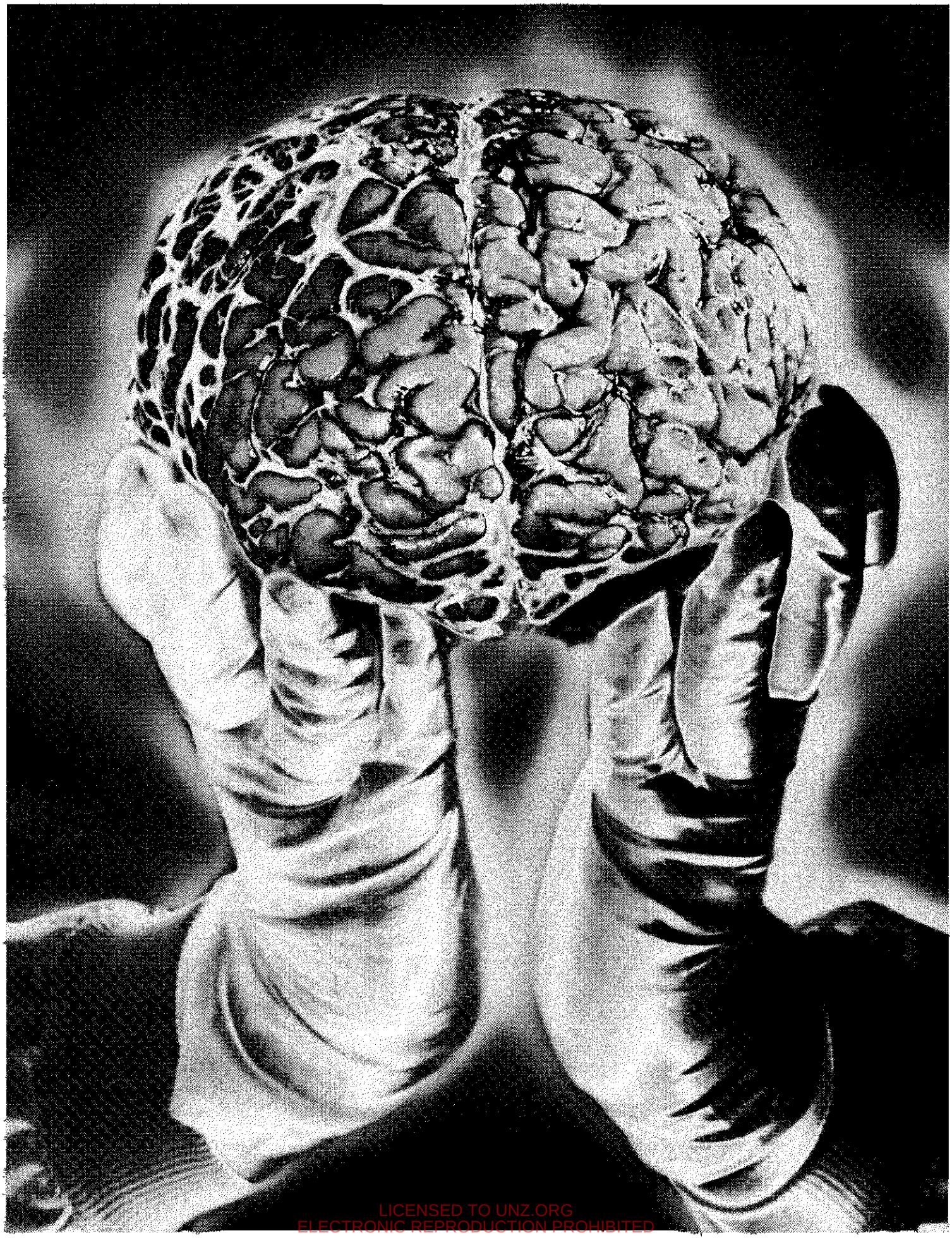

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The Battle for Your Brain

Science is developing ways to boost intelligence, expand memory, and more. But will you be allowed to change your own mind?

Ronald Bailey

"We're on the verge of profound changes in our ability to manipulate the brain," says Paul Root Wolpe, a bioethicist at the University of Pennsylvania. He isn't kidding. The dawning age of neuroscience promises not just new treatments for Alzheimer's and other brain diseases but enhancements to improve memory, boost intellectual acumen, and fine-tune our emotional responses. "The next two decades will be the golden age of neuroscience," declares Jonathan Moreno, a bioethicist at the University of Virginia. "We're on the threshold of the kind of rapid growth of information in neuroscience that was true of genetics 15 years ago."

One man's golden age is another man's dystopia. One of the more vociferous critics of such research is Francis Fukuyama, who warns in his book *Our Posthuman Future* that "we are already in the midst of this revolution" and "*we should use the power of the state to regulate it*" (emphasis his). In May a cover story in the usually pro-technology *Economist* worried that "neuroscientists may soon be able to screen people's brains to assess their mental health, to distribute that information, possibly accidentally, to employers or insurers, and to 'fix' faulty personality traits with drugs or implants on demand."

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There are good reasons to consider the ethics of tinkering directly with the organ from which all ethical reflection arises. Most of those reasons boil down to the need to respect the rights of the people who would use the new technologies. Some of the field's moral issues are common to all biomedical research: how to design clinical trials ethically, how to ensure subjects' privacy, and so on. Others are peculiar to neurology. It's not clear, for example, whether people suffering from neurodegenerative disease can give informed consent to be experimented on.

Last May the Dana Foundation sponsored an entire conference at Stanford on "neuroethics." Conferees deliberated over issues like the moral questions raised by new brain scanning techniques, which some believe will lead to the creation of truly effective lie detectors. Participants noted that scanners might also be able to pinpoint brain abnormalities in those accused of breaking the law, thus changing our perceptions of guilt and innocence. Most nightmarishly, some worried that governments could one day use brain implants to monitor and perhaps even control citizens' behavior.

But most of the debate over neuroethics has not centered around patients' or citizens' autonomy, perhaps because so many of the field's critics themselves hope to restrict that autonomy in various ways. The issue that most vexes *them* is the possibility that neuroscience might enhance previously "normal" human brains.

The tidiest summation of their complaint comes from the conservative columnist William Safire. "Just as we have antidepressants today to elevate mood," he wrote after the Dana conference, "tomorrow we can expect a kind of Botox for the brain to smooth out wrinkled temperaments, to turn shy people into extroverts, or to bestow a sense of humor on a born grouch. But what price will human nature pay for these nonhuman artifices?"

Truly effective neuropharmaceuticals that improve moods and sharpen mental focus are already widely available and taken by millions. While there is some controversy about the effectiveness of Prozac, Paxil, and Zoloft, nearly 30 million Americans have taken them, with mostly positive results. In his famous 1993 book *Listening to Prozac*, the psychiatrist Peter Kramer describes patients taking the drug as feeling "better than well." One Prozac user, called Tess, told him that when she isn't taking the medication, "I am not myself."

One Pill Makes You Smarter...

That's exactly what worries Fukuyama, who thinks Prozac looks a lot like *Brave New World*'s soma. The pharmaceutical industry, he declares, is producing drugs that "provide self-esteem in the bottle by elevating serotonin in the brain." If you need a drug to be your "self," these critics ask, do you really have a self at all?

Another popular neuropharmaceutical is Ritalin, a drug widely prescribed to remedy attention deficit hyperactivity disorder (ADHD), which is characterized by agitated behavior and an inability to focus on tasks. Around 1.5 million schoolchildren take Ritalin, which recent research suggests boosts the activity of the neurotransmitter dopamine in the brain. Like all psychoactive drugs, it is not without controversy. Perennial psychiatric critic Peter Breggin argues that millions of children are being "drugged into more compliant or submissive state[s]" to satisfy the needs of harried parents and school officials. For Fukuyama, Ritalin is prescribed to control rambunctious children because "parents and teachers...do not want to spend the time and energy necessary to discipline, divert, entertain, or train difficult children the old-fashioned way."

What really worries critics is that Prozac and Ritalin may be the pharmacological equivalent of bearskins and stone axes compared to the new drugs that are coming.

Unlike the more radical Breggin, Fukuyama acknowledges that drugs such as Prozac and Ritalin have helped millions when other treatments have failed. Still, he worries about their larger social consequences. "There is a disconcerting symmetry between Prozac and Ritalin," he writes. "The former is prescribed heavily for depressed women lacking in self-esteem; it gives them more the alpha-male feeling that comes with high serotonin levels. Ritalin, on the other hand, is prescribed largely for young boys who do not want to sit still in class because nature never designed them to behave that way. Together, the two sexes are gently

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nudged toward that androgynous median personality, self-satisfied and socially compliant, that is the current politically correct outcome in American society."

Although there are legitimate questions here, they're related not to the chemicals themselves but to who makes the decision to use them. Even if Prozac and Ritalin can help millions of people, that doesn't mean schools should be able to force them on any student who is unruly or bored. But by the same token, even if you accept the most radical critique of the drug—that ADHD is not a real disorder to begin with—that doesn't mean Americans who exhibit the symptoms that add up to an ADHD diagnosis should not be allowed to alter their mental state chemically, if that's an outcome they want and a path to it they're willing to take.

Consider Nick Megibow, a senior majoring in philosophy at Gettysburg College. "Ritalin made my life a lot better," he reports. "Before I started taking Ritalin as a high school freshman, I was doing really badly in my classes. I had really bad grades, Cs and Ds mostly. By sophomore year, I started taking Ritalin, and it really worked amazingly. My grades improved dramatically to mostly As and Bs. It allows me to focus and get things done rather than take three times the amount of time that it should take to finish something." If people like Megibow don't share Fukuyama's concerns about the wider social consequences of their medication, it's because they're more interested, quite reasonably, in feeling better and living a successful life.

What really worries critics like Safire and Fukuyama is that Prozac and Ritalin may be the neuropharmacological equivalent of bearskins and stone axes compared to the new drugs that are coming. Probably the most critical mental function to be enhanced is memory. And this, it turns out, is where the most promising work is being done. At Princeton, biologist Joe Tsien's laboratory famously created smart mice by genetically modifying them to produce more NMDA brain receptors, which are critical for the formation and maintenance of memories. Tsien's mice were much faster learners than their unmodified counterparts. "By enhancing learning, that is, memory acquisition, animals seem to be able to solve problems faster," notes Tsien. He believes his work has identified an important target that will lead other researchers to develop drugs that enhance memory.

A number of companies are already hard at work developing memory drugs. Cortex Pharmaceuticals has developed a class of compounds called AMPA receptor modulators, which enhance the glutamate-based transmission between brain cells. Preliminary results indicate that the compounds do enhance memory and cognition in human beings. Memory Pharmaceuticals, co-founded by Nobel laureate Eric Kandel, is developing a calcium channel receptor modulator that increases the sensitivity of neurons and allows them to transmit information more speedily and a nicotine receptor modulator that plays a role in synaptic plasticity. Both modulators apparently improve memory. Another company, Targacept, is working on the nicotinic receptors as well.

All these companies hope to cure the memory deficits that some 30 million baby boomers will suffer as they age. If these compounds can fix deficient memories, it is likely that they can enhance normal memories as well. Tsien points out that a century ago the encroaching senility of Alzheimer's disease might have been considered part of the "normal" progression of aging. "So it depends on how you define *normal*," he says. "Today we know that most people have less good memories after age 40, and I don't believe that's a normal process."

Eight Objections

And so we face the prospect of pills to improve our mood, our memory, our intelligence, and perhaps more. Why would anyone object to that?

Eight objections to such enhancements recur in neuroethicists' arguments. None of them is really convincing.

• *Neurological enhancements permanently change the brain.* Erik Parens of the Hastings Center, a bioethics think tank, argues that it's better to enhance a child's performance by changing his environment than by changing his brain—that it's better to, say, reduce his class size than to give him Ritalin. But this is a false dichotomy. Reducing class size is aimed at changing the child's biology too, albeit indirectly. Activities like teaching are supposed to induce biological changes in a child's brain, through a process called *learning*.

Fukuyama falls into this same error when he suggests that even if there is some biological basis for their condition, people with ADHD "clearly ...can do things that would affect their final degree of attentiveness or hyperactivity. Training, character, determination, and environment more generally would all play important roles."

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So can Ritalin, and much more expeditiously, too. "What is the difference between Ritalin and the Kaplan SAT review?" asks the Dartmouth neuroscientist Michael Gazzaniga. "It's six of one and a half dozen of the other. If both can boost SAT scores by, say, 120 points, I think it's immaterial which way it's done."

• *Neurological enhancements are anti-egalitarian.* A perennial objection to new medical technologies is the one Parens calls "unfairness in the distribution of resources." In other words, the rich and their children will get access to brain enhancements first, and will thus acquire more competitive advantages over the poor.

This objection rests on the same false dichotomy as the first. As the University of Virginia's Moreno puts it, "We don't stop people from giving their kids tennis lessons." If anything, the new enhancements might *increase* social equality. Moreno notes that neuropharmaceuticals are likely to be more equitably distributed than genetic enhancements, because "after all, a pill is easier to deliver than DNA."

• *Neurological enhancements are self-defeating.* Not content to argue that the distribution of brain enhancements won't be egalitarian enough, some critics turn around and argue that it will be *too* egalitarian. Parens has summarized this objection succinctly: "If everyone achieved the same relative advantage with a given enhancement, then ultimately no one's position would change; the 'enhancement' would have failed if its purpose was to increase competitive advantage."

This is a flagrant example of the zero-sum approach that afflicts so much bioethical thought. Let's assume, for the sake of argument, that everyone in society will take a beneficial brain-enhancing drug. Their relative positions may not change, but the overall productivity and wealth of society would increase considerably, making everyone better off. Surely that is a social good.

• *Neurological enhancements are difficult to refuse.* Why exactly would everyone in the country take the same drug? Because, the argument goes, competitive pressures in our go-go society will be so strong that a person will be forced to take a memory-enhancing drug just to keep up with everyone else. Even if the law protects freedom of choice, social pressures will draw us in.

For one thing, this misunderstands the nature of the technology. It's not simply a matter of popping a pill and suddenly zooming ahead. "I know a lot of smart people who don't amount to a row of beans," says Gazzaniga. "They're just happy underachieving, living life below their potential. So a pill that pumps up your intellectual processing power won't necessarily give you the drive and ambition to use it."

Beyond that, it's not as though we don't all face competitive pressures anyway—to get into and graduate from good universities, to constantly upgrade skills, to buy better computers and more productive software, whatever. Some people choose to enhance themselves by getting a Ph.D. in English; others are happy to stop their formal education after high school. It's not clear why a pill should be more irresistible than higher education, or why one should raise special ethical concerns while the other does not.

• *Neurological enhancements undermine good character.* For some critics, the comparison to higher education suggests a different problem. We should strive for what we get, they suggest; taking a pill to enhance cognitive functioning is just too easy. As Fukuyama puts it: "The normal, and morally acceptable, way of overcoming low self-esteem was to struggle with oneself and with others, to work hard, to endure painful sacrifices, and finally to rise and be seen as having done so."

"By denying access to brain-enhancing drugs, people like Fukuyama are advocating an exaggerated stoicism," counters Moreno. "I don't see the benefit or advantage of that kind of tough love." Especially since there will still be many different ways to achieve things and many difficult challenges in life. Brain-enhancing drugs might ease some of our labors, but as Moreno notes, "there are still lots of hills to climb, and they are pretty steep." Cars, computers, and washing machines have tremendously enhanced our ability to deal with formerly formidable tasks. That doesn't mean life's struggles have disappeared—just that we can now tackle the next ones.

• *Neurological enhancements undermine personal responsibility.* Carol Freedman, a philosopher at Williams College, argues that what is at stake "is a conception of ourselves as responsible agents, not machines." Fukuyama extends the point, claiming that "ordinary people" are eager to "medicalize as much of their behavior as possible and thereby reduce their responsibility for their own actions." As an

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example, he suggests that people who claim to suffer from ADHD "want to absolve themselves of personal responsibility."

But we are not debating people who might use an ADHD diagnosis as an excuse to behave irresponsibly. We are speaking of people who use Ritalin to *change* their behavior. Wouldn't it be more irresponsible of them to not take corrective action?

• *Neurological enhancements enforce dubious norms.* There are those who assert that corrective action might be irresponsible after all, depending on just what it is that you're trying to correct. People might take neuropharmaceuticals, some warn, to conform to a harmful social conception of normality. Many bioethicists—Georgetown University's Margaret Little, for example—argue that we can already see this process in action among women who resort to expensive and painful cosmetic surgery to conform to a social ideal of feminine beauty. Never mind for the moment that beauty norms for both men and women have never been so diverse. Providing and choosing to avail oneself of that surgery makes one complicit in norms that are morally wrong, the critics argue. After all, people should be judged not by their physical appearances but by the content of their characters.

That may be so, but why should someone suffer from society's slights if she can overcome them with a nip here and a tuck there? The norms may indeed be suspect, but the suffering is experienced by real people whose lives are consequently diminished. Little acknowledges this point, but argues that those who benefit from using a technology to conform have a moral obligation to fight against the suspect norm. Does this mean people should be given access to technologies they regard as beneficial only if they agree to sign on to a bioethical fatwa?

Of course, we should admire people who challenge norms they disagree with and live as they wish, but why should others be denied relief just because some bioethical commissars decree that society's misdirected values must change? Change may come, but real people should not be sacrificed to some restrictive bioethical utopia in the meantime. Similarly, we should no doubt value depressed people or people with bad memories just as highly as we do happy geniuses, but until that glad day comes people should be allowed to take advantage of technologies that improve their lives in the society in which they actually live.

Furthermore, it's far from clear that everyone will use these enhancements in the same ways. There are people who alter their bodies via cosmetic surgery to bring them closer to the norm, and there are people who alter their bodies via piercings and tattoos to make them more individually expressive. It doesn't take much imagination to think of unusual or unexpected ways that Americans might use mind-enhancing technologies. Indeed, the war on drugs is being waged, in part, against a small but significant minority of people who prefer to alter their consciousness in socially disapproved ways.

Cars, computers, and washing machines have tremendously enhanced our ability to deal with formerly formidable tasks. That doesn't mean life's struggles have disappeared—just that we can now tackle the next ones.

• *Neurological enhancements make us inauthentic.* Parens and others worry that the users of brain-altering chemicals are less authentically themselves when they're on the drug. Some of them would reply that the exact opposite is the case. In *Listening to Prozac,* Kramer chronicles some dramatic transformations in the personalities and attitudes of his patients once they're on the drug. The aforementioned Tess tells him it was "as if I had been in a drugged state all those years and now I'm clearheaded."

Again, the question takes a different shape when one considers the false dichotomy between biological and "nonbiological" enhancements. Consider a person who undergoes a religious conversion and emerges from the experience with a more upbeat and attractive personality. Is he no longer his "real" self? Must every religious convert be deprogrammed?

Even if there were such a thing as a "real" personality, why should you stick with it if you don't like it? If you're socially withdrawn and

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a pill can give you a more vivacious and outgoing manner, why not go with it? After all, you're choosing to take responsibility for being the "new" person the drug helps you to be.

Authenticity and Responsibility

"Is it a drug-induced personality or has the drug cleared away barriers to the real personality?" asks the University of Pennsylvania's Wolpe. Surely the person who is choosing to use the drug is in a better position to answer that question than some bioethical busybody.

This argument over authenticity lies at the heart of the neuroethicists' objections. If there is a single line that divides the supporters of neurological freedom from those who would restrict the new treatments, it is the debate over whether a natural state of human being exists and, if so, how appropriate it is to modify it. Wolpe makes the point that in one sense cognitive enhancement resembles its opposite, Alzheimer's disease. A person with Alzheimer's loses her personality. Similarly, an enhanced individual's personality may become unrecognizable to those who knew her before.

Not that this is unusual. Many people experience a version of this process when they go away from their homes to college or the military. They return as changed people with new capacities, likes, dislikes, and social styles, and they often find that their families and friends no longer relate to them in the old ways. Their brains have been changed by those experiences, and they are not the same people they were before they went away. Change makes most people uncomfortable, probably never more so than when it happens to a loved one. Much of the neuro-Luddites' case rests on a belief in an unvarying, static personality, something that simply doesn't exist.

It isn't just personality that changes over time. Consciousness itself is far less static than we've previously assumed, a fact that raises contentious questions of free will and determinism. Neuroscientists are finding more and more of the underlying automatic processes operating in the brain, allowing us to take a sometimes disturbing look under our own hoods. "We're finding out that by the time we're conscious of doing something, the brain's already done it," explains Gazzaniga. Consciousness, rather than being the director of our activities, seems instead to be a way for the brain to explain to itself why it did something.

Haunting the whole debate over neuroscientific research and neuroenhancements is the fear that neuroscience will undercut notions of responsibility and free will. Very preliminary research has suggested that many violent criminals do have altered brains. At the Stanford conference, *Science* editor Donald Kennedy suggested that once we know more about brains, our legal system will have to make adjustments in how we punish those who break the law. A murderer or rapist might one day plead innocence on the grounds that "my amygdala made me do it." There is precedent for this: The legal system already mitigates criminal punishment when an offender can convince a jury he's so mentally ill that he cannot distinguish right from wrong.

Of course, there are other ways such discoveries might pan out in the legal system, with results less damaging to social order but still troubling for notions of personal autonomy. One possibility is that an offender's punishment might be reduced if he agrees to take a pill that corrects the brain defect he blames for his crime. We already hold people responsible when their drug use causes harm to others—most notably, with laws against drunk driving. Perhaps in the future we will hold people responsible if they fail to take drugs that would help prevent them from behaving in harmful ways. After all, which is more damaging to personal autonomy, a life confined to a jail cell or roaming free while taking a medication?

Like any technology, neurological enhancements can be abused. But critics have not made a strong case for why individuals should not be allowed to take advantage of breakthroughs.

The philosopher Patricia Churchland examines these conundrums in her forthcoming book, *Brainwise: Studies in Neurophilosophy*. "Much of human social life depends on the expectation that agents have control over their actions and are responsible for their choices," she writes. "In daily life

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it is commonly assumed that it is sensible to punish and reward behavior so long as the person was in control and chose knowingly and intentionally." And that's the way it should remain, even as we learn more about how our brains work and how they sometimes break down.

Churchland points out that neuroscientific research by scientists like the University of Iowa's Antonio Damasio strongly shows that emotions are an essential component of viable practical reasoning about what a person should do. In other words, neuroscience is bolstering philosopher David Hume's insight that "reason is and ought only to be the slave of the passions." Patients whose affects are depressed or lacking due to brain injury are incapable of judging or evaluating between courses of action. Emotion is what prompts and guides our choices.

Churchland further argues that moral agents come to be morally and practically wise not through pure cognition but by developing moral beliefs and habits through life experiences. Our moral reflexes are honed through watching and hearing about which actions are rewarded and which are punished; we learn to be moral the same way we learn language. Consequently, Churchland concludes "the default presumption that agents are responsible for their actions is empirically necessary to an agent's learning, both emotionally and cognitively, how to evaluate the consequences of certain events and the price of taking risks."

It's always risky to try to derive an "ought" from an "is," but neuroscience seems to be implying that liberty—i.e., letting people make choices and then suffer or enjoy the consequences—is essential for inculcating virtue and maintaining social cooperation. Far from undermining personal responsibility, neuroscience may end up strengthening it.

For Neurological Liberty

Fukuyama wants to "draw red lines" to distinguish between therapy and enhancement, "directing research toward the former while putting restrictions on the latter." He adds that "the original purpose of medicine is, after all, to heal the sick, not turn healthy people into gods." He imagines a federal agency that would oversee neurological research, prohibiting anything that aims at enhancing our capacities beyond some notion of the human norm.

"For us to flourish as human beings, we have to live according to our nature, satisfying the deepest longings that we as natural beings have," Fukuyama told the Christian review *Books & Culture* last summer. "For example, our nature gives us tremendous cognitive capabilities, capability for reason, capability to learn, to teach ourselves things, to change our opinions, and so forth. What follows from that? A way of life that permits such growth is better than a life in which this capacity is shriveled and stunted in various ways." This is absolutely correct. The trouble is that Fukuyama has a shriveled, stunted vision of human nature, leading him and others to stand athwart neuroscientific advances that will make it possible for more people to take fuller advantage of their reasoning and learning capabilities.

Like any technology, neurological enhancements can be abused, especially if they're doled out—or imposed—by an unchecked authority. But Fukuyama and other critics have not made a strong case for why *individuals*, in consultation with their doctors, should not be allowed to take advantage of new neuroscientific breakthroughs to enhance the functioning of their brains. And it is those individuals that the critics will have to convince if they seriously expect to restrict this research.

It's difficult to believe that they'll manage that. In the 1960s many states outlawed the birth control pill, on the grounds that it would be too disruptive to society. Yet Americans, eager to take control of their reproductive lives, managed to roll back those laws, and no one believes that the pill could be re-outlawed today.

Moreno thinks the same will be true of the neurological advances to come. "My hunch," he says, "is that in the United States, medications that enhance our performance are not going to be prohibited." When you consider the sometimes despairing tone that Fukuyama and others like him adopt, it's hard not to conclude that on that much, at least, they agree. ▯

Ronald Bailey is **reason***'s science correspondent and the editor of Global Warming and Other Eco-Myths: How the Environmental Movement Uses False Science to Scare Us to Death (Prima Publishing).*

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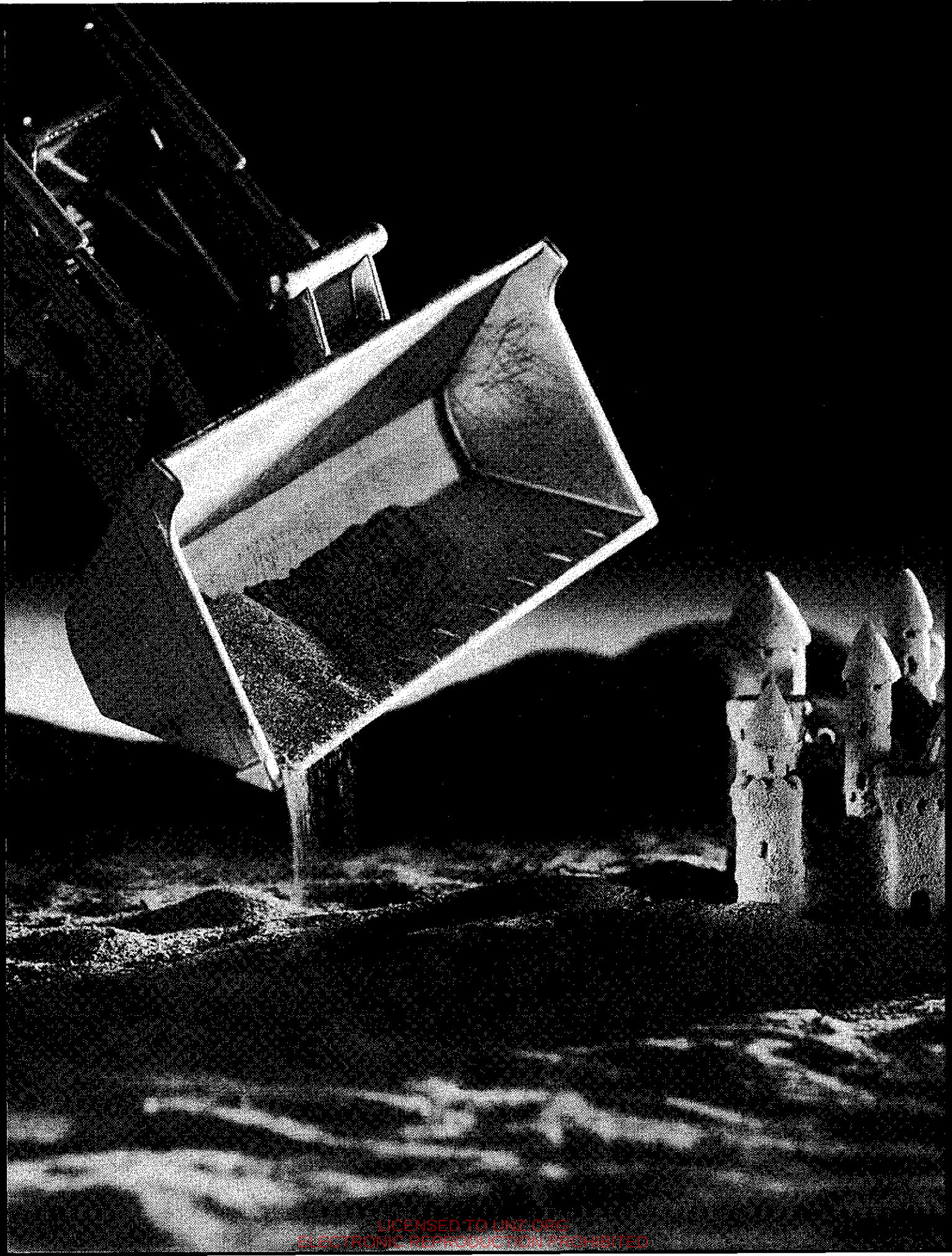

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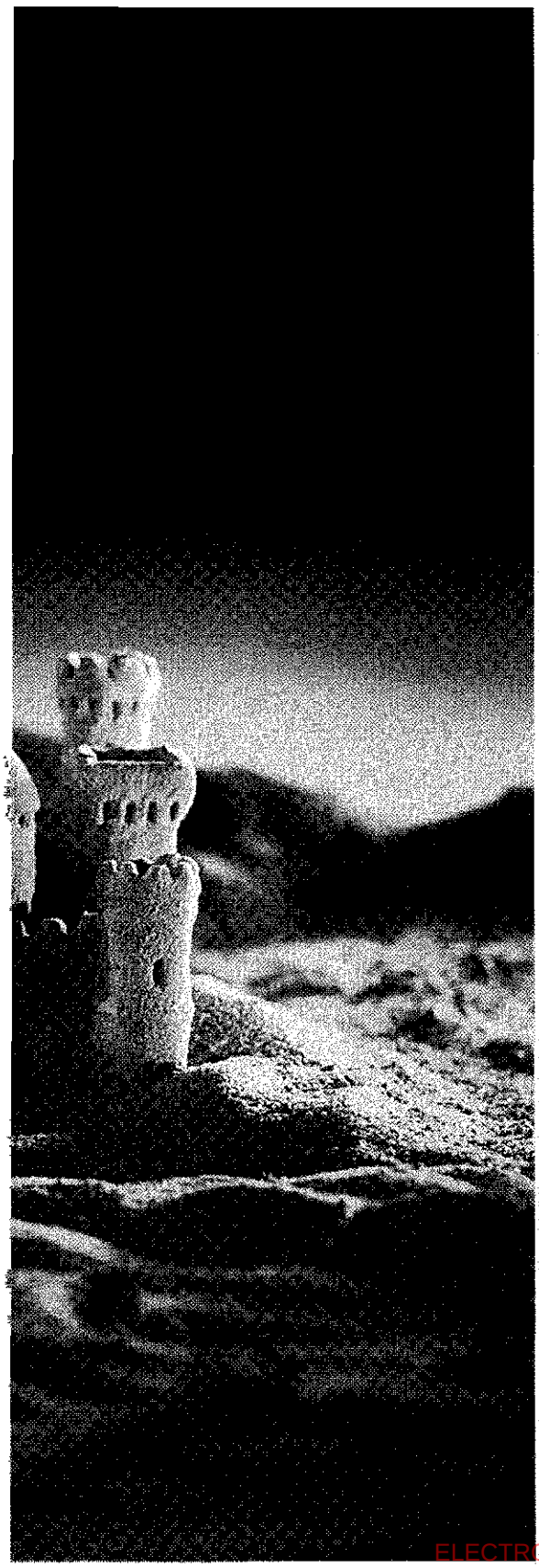

Wrecking Property Rights

How cities use eminent domain to seize property for private developers

Sam Staley

The corner of Country Club Drive and Main Street in Mesa, Arizona, doesn't look like much, but this dusty plot of land is at the center of a growing debate over property rights. Just a stone's throw from downtown, the corner has touched off a potentially precedent-setting legal tug of war whose implications extend far beyond Arizona. The case illustrates dramatically how the effort to redevelop America's cities has transformed eminent domain—the government's power to seize private property—from a narrowly construed last resort into a widely, almost routinely used development tool.

On one side of the legal tangle is the city of Mesa, angling every way it can to broaden its discretionary power to seize private property for whatever purpose it pleases. In this case, on land bureaucratically labeled "Site 24," the city wants to give five acres to local businessman Ken Lenhart and his associates.

Lenhart wants to expand his hardware store, and the five acres that make up Site 24 are an ideal location. The expansion, he claims, would boost his sales by $8 million in the first year. But Lenhart didn't want to pay the full market price for the land. He didn't even want to bother negotiating with the property owners. After buying a few parcels at auction, he asked the city to condemn the rest and "sell" it to him at $4 per square foot. At the time the agreement was made, the full cash value of the properties averaged more than $8 per square foot, according to the Maricopa County tax assessor. The deal could net Lenhart a direct subsidy of at least $150,000 (and probably much more). The city of Mesa has decided that Lenhart's hard-

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ware store, a discount TV and electronics shop, and a few other small retailers and offices would be a better use of the property, so it's eager to make the deal.

Randy Bailey doesn't think it's such a great idea. Bailey is the sole proprietor of Bailey's Brake Service, a thriving enterprise that's been located on Site 24 for more than three decades. The family business has been around for more than 40 years, and Bailey has run it for 32. He doesn't even advertise; his customers just know to go to the brake shop at the corner of Country Club and Main.

Apparently, the city doesn't think Bailey's Brake Service contributes enough to the local economy to justify letting him stay. Now Bailey is hoping the courts will stop the city from using its power of eminent domain to improve Lenhart's bottom line. When the case first went to court, Bailey and his attorneys—Clint Bolick and Tim Keller of the Institute for Justice, a Washington, D.C.–based public interest law firm—were optimistic. After all, the Arizona Constitution states that "private property shall not be taken for private use." And Mesa's redevelopment director, Greg Marek, has admitted at trial and in official government documents that the city decides which properties to condemn based on whether someone in the private sector wants the land and has a project for it. That concession seemed to be a clear indication that private interests were driving redevelopment policy in Mesa.

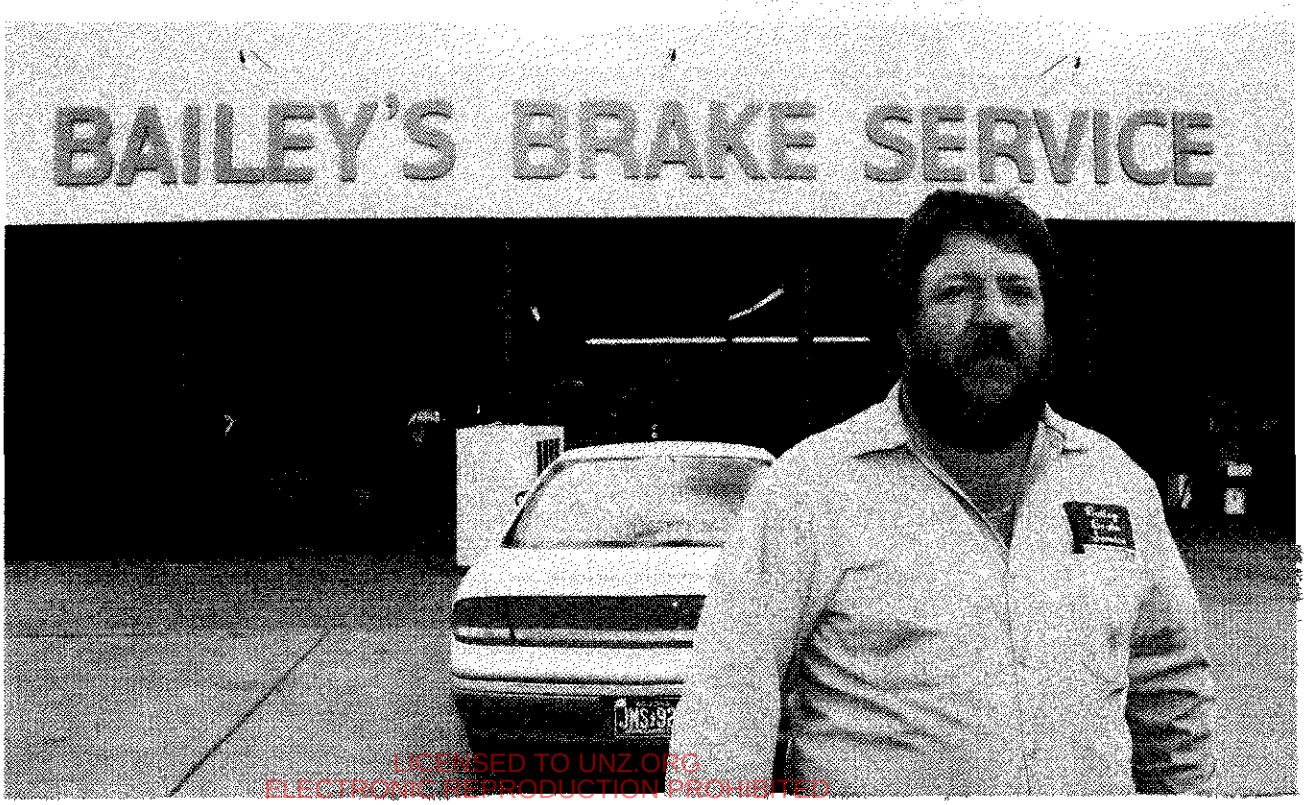
Yet Bailey lost the first round, with Maricopa County Superior Court Judge Robert Myers ruling against him on April 30, 2002. (Full disclosure: I provided expert testimony for Bailey at the trial.) Myers stayed his ruling pending Bailey's appeal. At press time Bailey is waiting for a decision by the Arizona Court of Appeals, which heard oral arguments in June. "The three judges were very concerned about the trial court's decision not to apply the constitutional standards," notes Tim Keller, Bailey's attorney. "We hope to get a positive decision."

The U.S. Constitution, like Arizona's, attaches an important restriction to the taking of private property: It has to be "for public use." Yet cases like Randy Bailey's are becoming more and more common. Eminent domain is becoming a primary tool for promoting urban development. In the case of Mesa, it's the only tool. That's why attorneys throughout the nation are watching this case.

A Tool of First Resort

Lenhart targeted Bailey's property in 1996, when Wayne Balmer, at that point the city's community development manager, sent a memo to Charles Luster, then the city manager, noting that his department had received several inquiries from private companies to develop land near the downtown area. "Unfortunately," he wrote, "*all* of these sites are outside our Town Center Redevelopment Area" (emphasis in the original).

Not to worry. Working with other high-level



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officials, Marek, the redevelopment manager, simply rewrote the rules to accommodate the developers. Once Lenhart decided that Bailey's property was suitable for the expansion of his hardware store, the city redrafted Mesa's redevelopment plan to include the land at Country Club and Main. They designated the property "Site 24" and issued a request for proposals to redevelop the site.

Three development companies submitted plans. One was Redstone Development, owned by Lenhart. Another was Palm Court Investment, owned by Mesa Discount. The third was Watt Commercial Properties, a national operation, which proposed a complete redesign of the property, including 50,000 square feet of new retail and office space. The city decided to consolidate the proposals submitted by Palm Court and Redstone and to reject Watt's bid altogether. It then negotiated a development agreement that included the terms for sale of the property to Lenhart and Mesa Discount once it was acquired by the city. It also agreed to acquire Lenhart's old building and land as part of a land swap.

At the request of Palm Court and Redstone Development, the city proceeded to condemn 21 of the site's 26 parcels, including Randy Bailey's business, representing half the assessed value of the land. Lenhart is asking the city to acquire property worth two-thirds of the assessed value of his share of the development project.

It was a sweet deal for Lenhart. For the hapless property owners living and making their living on Site 24, the taste was decidedly sour. Bailey and his father approached Lenhart to see if the brake service could be incorporated into the development project. No deal: Lenhart dismissed them out of hand, telling them they had to talk to the city of Mesa.

The Baileys had never been approached by Lenhart, the city of Mesa, or any of the other investors about selling their property before or during the process in which the city issued its request for proposals to redevelop the site. To add insult to injury, Lenhart bought a property adjoining Bailey's building and proceeded to board it up. The set of small office spaces has gone unused for years, contributing to the run-down character of the corner. Lenhart, as landlord, was contributing to the blight that the city cited to justify condemning Bailey's property.

Eminent Domain Abuse and the Courts

Eminent domain has a long history, and it isn't likely to go away. After all, it's enshrined in the U.S. Constitution, not to mention the constitutions of all 50 states. What distinguishes the current era is the degree to which local governments are willing to use this power to achieve all manner of public policy goals. Sometimes they succeed, and sometimes they're driven back by public protest or the courts. But they're unquestionably pushing the boundaries.

All applicants had to do was fill out a form, pay a fee, add a commission based on the value of the property, and voilà, the redevelopment agency would condemn someone else's land and hand it over.

Jeff Finkle is president of the International Economic Development Council, a trade association representing development and redevelopment organizations and agencies. Not surprisingly, Finkle feels that eminent domain is critical to the revitalization of cities. Few projects in urban areas occur on small, isolated lots, and the costs of negotiating with dozens of property owners are simply too high, he argues. In addition, some property owners refuse to sell or set an unreasonable price, scuttling projects with large benefits for the community. "Lose eminent domain in urban settings," Finkle says, "and the only land that will be developed is green space on the edge of cities."

That said, Finkle doesn't defend eminent domain's recent form; he recognizes that the power should have limits. Taking private property, he says, "should be the last possible tool. If negotiations fail, if the bully pulpit fails, then you go to a takings case."

In the current climate, many of the traditional constraints on public takings of private property seem to have disappeared. Most redevelopment laws, including Arizona's, explicitly acknowledge that land can be taken even if the beneficiaries will be other private parties. This principle is even articulated in federal law, through the 1954 Supreme Court decision *Berman v. Parker*, which allowed local governments to condemn land for urban renewal and then transfer title to private parties. Even then, local governments didn't have carte blanche; they had to justify the taking as a way to mitigate "urban blight." But over the years

Institute for Justice

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that term has become little more than a name for property a government wants to take. Today redevelopment agencies enjoy more discretion than ever, and eminent domain is becoming their tool of choice:

• In 1993 the Las Vegas Redevelopment Authority condemned Carol Pappas' apartment building as a "blight" so a consortium of eight casinos could demolish it to build a parking garage. No one ever surveyed the block on which Carol's apartment building stood to assess whether it was actually blighted.

• In 1999 the mayor of New Rochelle, New York, decided that a neighborhood housing almost 200 residents and dozens of businesses would be better used for a retail-oriented development anchored by the Swedish furniture giant IKEA. The city offered to condemn 15 acres of land for the company.

• In 2000 the mayor and city council of Pittsburgh tried to condemn an entire downtown neighborhood in the Fifth and Forbes area and transfer title to a Chicago developer who intended to create an upscale shopping mall.

• In 2001 the State of Mississippi condemned some property to accommodate a new Nissan plant. While many of the property owners were willing to sell, one family, the Archies, had deep roots in their home and wanted to stay. The state continued to pursue the condemnation even though officials admitted publicly that Nissan didn't need the Archies' land to build its plant.

Then there's the case of Gateway International Raceway, near St. Louis. Built in 1997, the track hosts several major events, including auto and drag racing, almost weekly. Gateway opened with 50,000 seats, drawing 400,000 race fans into the stands in its first year. Its owners hoped to expand to as many as 100,000 seats, a size large enough to attract a highly coveted Winston Cup NASCAR race date.

To do that, Gateway had to solve a problem: traffic congestion. With 50,000 seats, the raceway couldn't accommodate the traffic generated by throngs of patrons clogging the roads on race day. Moreover, various development projects were quickly eating away at the land available for parking around the raceway. So on February 20, 1998, Gateway asked the Southwestern Illinois Development Authority (SWIDA) to condemn 148.5 acres owned by National City Environmental and the St. Louis Auto Shredding Company and transfer them to Gateway to accommodate new parking.

In this case, the taking was prevented: The Illinois Supreme Court invalidated SWIDA's effort. But the case revealed a system that barely respected property rights at all. Anticipating requests like Gateway's, SWIDA had adopted a "Quick-Take" program. All applicants had to do was fill out a form, pay a fee, add a commission to SWIDA based on the value of the property, and voilà, the redevelopment agency would condemn someone else's land and hand it over. Of course, it wasn't quite that simple—the St. Clair County board had to approve the transfer—but the message was clear: "If you need land, we'll get it for you." The Illinois Supreme Court said as much: "It appears SWIDA's true intentions were to act as a default broker of land for Gateway's proposed parking plan." The agency hadn't done a traffic study, or even included the project in an economic development plan.

Arizona Dust Bowl

As for Randy Bailey: Judge Myers ruled in April that Mesa could take his property and hand it to Ken Lenhart simply because the government had decided that a hardware store was a more valuable use than a brake shop. The city's redevelopment plan calls for improving its image and making it more economically and socially attractive. It also calls for putting land to its highest and best use to maximize its retail potential. In 2000 the city estimated that the Country Club and Main deal would generate one-time revenues of more than $95,000 through impact fees and sales taxes, an annual increase in sales tax revenue of $168,000, and increased utilities revenue of $69,000. Alternative ways of achieving the same ends were not even considered.

Although "the Court is sympathetic to Mr. Bailey's position," Myers wrote, the city "properly" used its eminent domain power to take his property. Mesa could effectively close down Bailey's business because it had presented, in court, "some reasonable support in the facts, even though those findings may be reasonably doubtful and fairly debatable." In essence, Myers concluded that the city could take just about anyone's property in town as long as it conducted the right number of public hearings and talked enough about the property in a public forum.

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Myers' unwillingness to question Mesa's determination that it was necessary to take Bailey's property is rooted in a 1983 decision by the Arizona Supreme Court, *City of Phoenix v. Superior Court, Maricopa County*. That ruling separated takings decisions into two components. The first considered "necessity," which the court considered a legislative decision. The second component was "public use," which the court determined was subject to judicial review. The Arizona courts, unfortunately, have typically avoided applying judicial scrutiny to the public use aspects of a project, ruling against cities only if the owners could demonstrate fraud or "arbitrary and capricious conduct." Apparently, Mesa's policy of enabling well-established private businessmen to covet their neighbor's property and use the city's power of eminent domain to seize it is not arbitrary or capricious.

Myers' approach is not unique to Arizona or his courtroom. On the contrary, it's the rule. Property rights do not get the same level of protection as other fundamental liberties, such as free speech, the right to assemble, or the right to an impartial jury. Restrictions on other rights have to meet a "means-ends" test: There has to be a compelling government interest to justify them. "In eminent domain," notes Notre Dame law professor Nicole Garnett, "there is no means-end scrutiny at all. [The courts] don't even bother to check to see if the government is advancing a public use. They wash their hands of it. They don't ask if economic development could be done another way."

Not surprisingly, the entire Arizona bar is watching this case. No "cleaner" case is likely to be found that tests the words of the Arizona Constitution or the *Phoenix* decision, notes Bailey's attorney Tim Keller. If the city's taking of Bailey's property is upheld on appeal, it will be open season on private property in Arizona.

Turning Tide?

Supporters of eminent domain disagree. "The fact is that in the average community in the typical state, the system is working well," claims the American Planning Association's policy guide to takings. "Property rights advocates are waging a guerrilla war of soundbites, misleading 'spin doctoring' and power politics which characterizes government at every level as evil empires of bad intent."

Finkle, the president of the International Economic Development Council, echoes this sentiment. The Institute for Justice in particular, he argues, has "done a great job of taking the absolute horror cases and publicizing them." For the most part, Finkle and other redevelopment advocates claim, eminent domain is used reasonably and appropriately.

Dick Saha's farm has been condemned by the city of Coatesville, Pennsylvania, even though it's located outside the city limits. He can't even vote for or against the people who are taking his land.

Nevertheless, a few recent court cases may signify a trend toward stricter scrutiny of local government decisions. "Courts are getting involved because they are seeing abuses," says Scott Bullock, an attorney at the Institute for Justice. "A fundamental lesson of history is that power is abused. First it's urban renewal as a part of an effort to redevelop cities. Soon it becomes a way for developers to get land on the cheap and well-connected developers to do projects in their particular area."

Not every court has been as amenable to eminent domain abuses as Myers'. As we saw, the Illinois Supreme Court invalidated a development authority's attempt to seize private property for a racetrack parking lot. In Las Vegas, Carol Pappas lost her apartment building and livelihood, but the Nevada Supreme Court has been harshly critical of the city's handling of the case, which it is reviewing.

Garnett, the law professor, questions whether such cases really indicate a shift in judicial attitudes. "What might be happening," she notes, "is we are cycling back into the 'too much' use of eminent domain. Now that economic development incentives are everywhere, cities and states are using eminent domain as another incentive. We are seeing an uptick in takings challenges because we are seeing more eminent domain cases, and we are seeing more cases reining in abuses."

"I see a modest increase in the [eminent domain] cases largely because the door to the federal courthouse is slightly ajar, and plaintiffs would like to pry it open," says William Fischel, a Dartmouth economist who has written extensively on the issue. "The Supreme Court clearly does not like most of these cases and is leery of giving plaintiffs a federal forum. They want to keep the cases in the state courts."

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There is an important potential downside to curbing eminent domain, Finkle warns. Local governments are pragmatic. They will do what seems practical at the time, and they rarely make decisions in the context of broad policy issues or goals. Without the ability to transfer property seized through eminent domain to private developers, local governments might instead choose to take property and keep it. Rather than assemble land for private redevelopment, Finkle argues, local governments will own shopping centers, office buildings, and factories. "Communities will just use alternative means for achieving economic development ends," he says.

That may already be happening. In Chester County, Pennsylvania, near Philadelphia, the city of Coatesville, population 11,000, has decided it's going to revitalize itself with a 230-acre recreation center. Plans include two ice rinks, bowling alleys, a go-cart track, rock climbing walls, a 270-room hotel and conference center, an 18-hole golf course, miniature golf, pitch 'n' putt, and a driving range, among other attractions. The city manager, Paul Janssen, thinks the project will attract corporate executives to the former steel town once they see the downtown (which will "soon" be revitalized). The average home in Coatesville is worth $56,000. Local homeowners are resisting the attempts by the city to condemn their land, but their prospects are dim. Dick Saha's farm has been condemned even though it's located outside the city limits. He can't even vote for or against the people who are taking his land.

Beyond the Courts

Despite recent victories, the courts are unlikely to be much help in reining in abuses of eminent domain. The courts "don't feel comfortable saying, 'We know better than the government' on public use," observes Garnett. When they intervene, they usually "pick up procedural aspects of the implementation of the law." This was the case even in Illinois, she notes. The Illinois Supreme Court objected to the government's "offering its services for eminent domain. It wasn't saying that economic development was not a public use."

"The constraint on local governments has seldom been the courts," agrees Fischel. "Local politics and public opinion discourages unprincipled takings because using eminent domain for arguably private purposes is often unpopular."

In fact, many of the recent victories against eminent domain abuse have resulted from nonjudicial remedies. Pittsburgh backed off its plans to oust 125 local businesses through eminent domain after a well-orchestrated protest campaign made the issue too risky politically and the key anchor—a Nordstrom's department store—pulled out of the project. (See "Death by Wrecking Ball," June 2000.) Similarly, IKEA backed out of the New Rochelle plan after it found itself facing negative coverage in the local media and public demonstrations (including one outside the Swedish consulate in New York). In Baltimore County, Maryland, condemnation for redevelopment purposes went to the ballot and was rejected by more than two-thirds of voters. The county had planned to condemn 100 properties, including three apartment complexes, and replace them with upscale homes, retail businesses, and restaurants.

The Castle Coalition, a grassroots group founded in early 2002 to help property owners fight eminent domain abuse, aims to organize such popular resistance. Most property owners, after all, don't have access to attorneys, and many tend to assume that local governments are acting in the public interest—even when their property is being condemned.

Protest, alas, is not always enough. The city of Mesa has suffered a barrage of negative press over the Randy Bailey case. Yet the city government has refused to back down from its position that virtually anyone's property in Mesa can be seized and handed over to his neighbor as long as enough people on the city council vote for it. The city of Coatesville shows little willingness to back down on its taking of the Saha's property and even placed a two-page ad in the local paper supporting its decision and criticizing the Saha's and other property owners' opposition. In the end, it will be up to the judiciary to determine how far eminent domain can go—and whether property ownership is simply a temporary condition subject to the whims and pleasures of local officials. ▮

Sam Staley (samuelrstaley@aol.com) is president of The Buckeye Institute for Public Policy Solutions in Columbus, Ohio, and a senior fellow at the Reason Public Policy Institute. He is the author of many books and studies on urban development issues, including Smarter Growth: Market-based Strategies for Land-Use Planning in the 21st Century (Greenwood, 2001).

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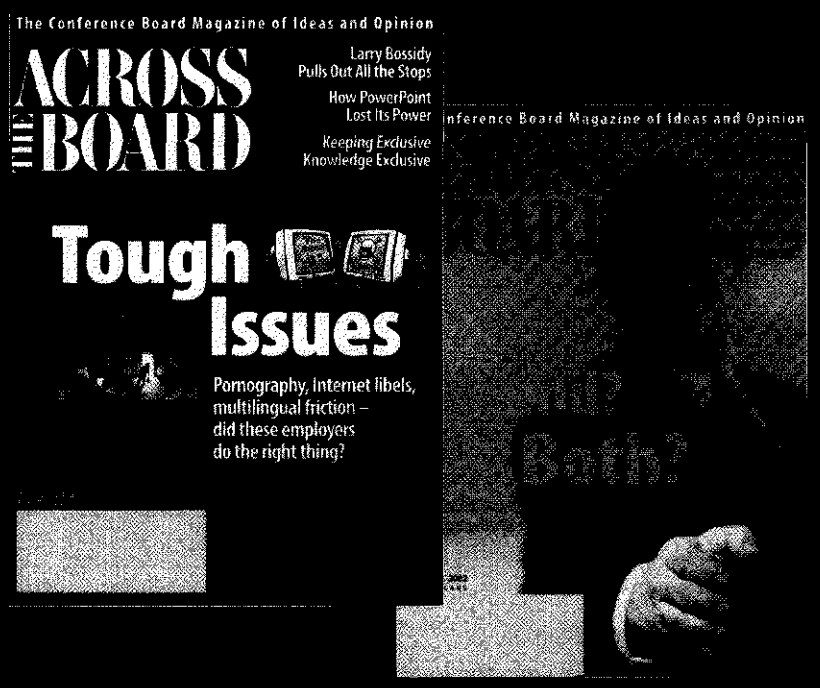
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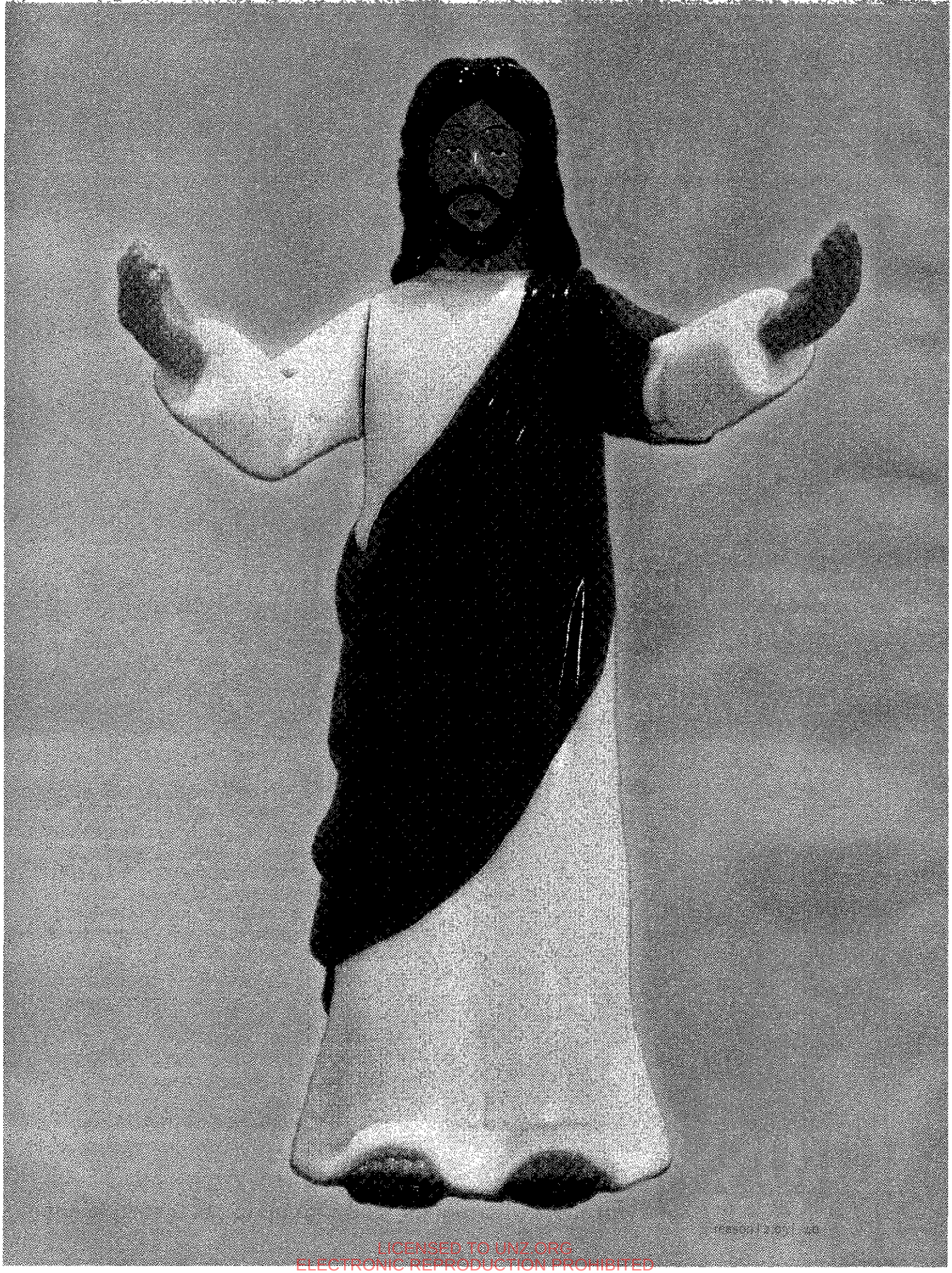

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Jesus Sells

What the Christian culture industry tells us about secular society

Jeremy Lott

No doubt the evangelical Christian Booksellers Association (CBA) picked the Anaheim Convention Center for its annual convention last year because the place is enormous and has a certain architectural inspiration. Conventioneers can pause as they approach the huge lobby, with its three-story glass wall, for a view that seems to offer a glimpse of heaven. Unfortunately, Disneyland's Space Mountain ride is always in the way.

When I joined the CBA attendees in Anaheim last summer, row upon row of mostly white men and women dressed in their Sunday best were filing into one of the big conference rooms. CBA President Bill Anderson welcomed us; those present, he said, represented some 50 states and 60 nations. Then he got down to business, as it were.

What followed had all the trappings of a religious service—songs, testimonies, a sermon. Technically, it *was* a religious service. But it was overtly commercialized to a greater extent than any

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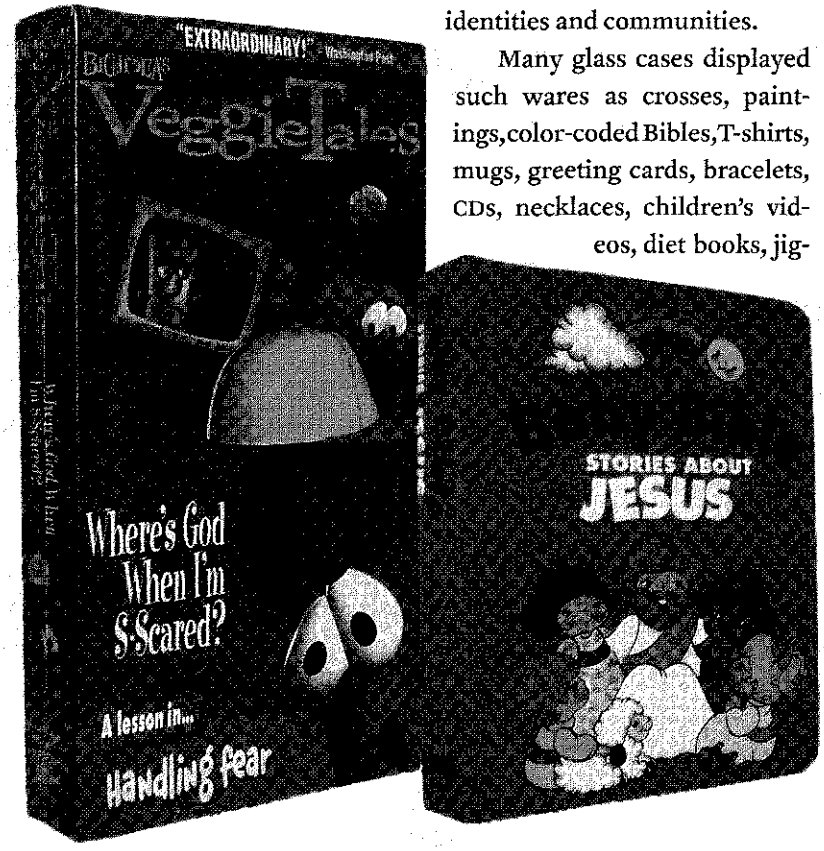
religious gathering I had ever observed (and as the son of a Baptist minister, I've seen a lot of them). The printed programs, for example, were underwritten by the publisher of Pastor Lee Strobel—he'd preached the sermon—and featured an ad for his many books. The singers at the service were in town to promote their latest CDs to retailers.

If the participants felt any shame about the nakedly commercial nature of the event, they did a good job of hiding it. In his invocation prayer, Anderson addressed God on behalf of "a group of colleagues working together under Your Lordship." Strobel, between jokes and stories about his days as an "atheistic reporter" in Chicago, commended the retailers for doing the Lord's work and assured them that "we've got the truth," thus giving them "an unfair advantage in the marketplace of ideas."

The CBA was nothing if not a marketplace. At 350,000 square feet, the floor of the convention center is nearly the size of eight football fields, including three halls, two outdoor eating areas, and several restaurants. Over the next few days this huge space would be home to almost 500 display booths, over 12,000 people, and even a special Internet café. In its zeal to grow and serve its market, the Christian culture industry mirrors its secular counterpart. As important, it shines a light on how both true believers and non-believers use culture to create all sorts of identities and communities.



Many glass cases displayed such wares as crosses, paintings, color-coded Bibles, T-shirts, mugs, greeting cards, bracelets, CDs, necklaces, children's videos, diet books, jigsaw puzzles, backpacks, board games, and decorative plates. And that was just in the lobby. It wasn't until I got past the security guard, flashing my scarlet-lettered press pass, that I had a chance to see what was on the sales floor.

All of the major evangelical Christian publishers were present in force, with some booths the size of small houses. Older mainstream names such as Doubleday, Penguin, Random House, and Oxford University Press were well represented. Young upstart publishers such as Canon Press and Relevant Books—publisher of such tomes as *Walk On: The Spiritual Journey of U2* and *The Gospel According to Tony Soprano* (do unto others and then split?)—had smaller but still impressive booths. There were several Spanish-language publishers and a couple of African-American presses, along with a few Catholic ones. A number of children's publishers sat alongside hawkers of Christian comics. The book area was surrounded by "personality booths," where authors autographed and gave away lots of free books to dealers in the hope of pumping up sales.

Books were only a part of the story. Also pushing their wares were such movie companies as Cloud Ten Productions, music and multimedia booths run by companies such as Word Entertainment, and plenty of Christian "gift" outlets in a section of their own. In addition to the items in the lobby, these gifts included everything from Scripture Mints shaped like little fish ("reaching the world one piece at a time") to hand puppets.

Word Entertainment took the prize for best attention grabber with spotlights, free popcorn, and—I am not making this up—a "Catch the Cash" booth with money swirling around: You stepped into it and grabbed as much as you could as fast as you could. Other memorable promotions included inflatable sharks, Jews for Jesus shopping bags, a guy in a kilt, and one booth that featured a stop sign altered to read, "STOP Liberals!"

The CBA may be the only trade show that sets off spasms of conscience among its own participants. Several editors and publishers told me, under condition of anonymity, that they were appalled at some of the products on the floor—

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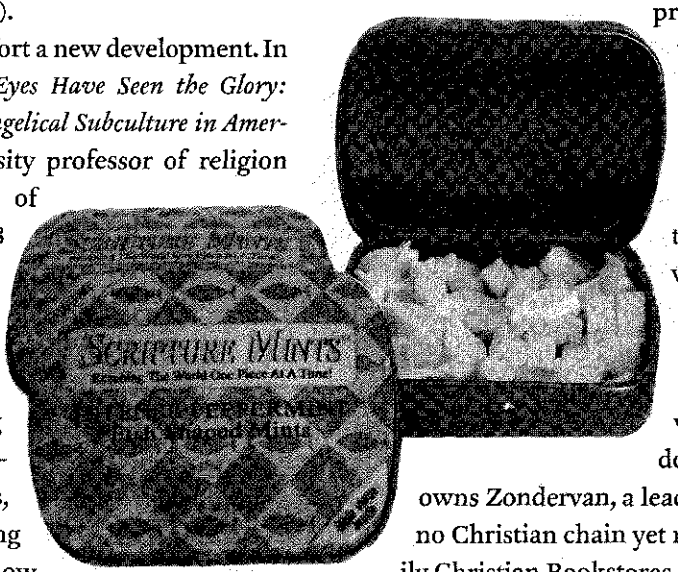
It's a pretty good bet that John Calvin or Martin Luther would be none too thrilled by the Jesus, Mary, and Joseph action figures or the Christian self-help books.

and they weren't necessarily sparing their own titles. The Rev. R.C. Sproul Jr., son of a famous Calvinist polemicist, published a brief Internet commentary that considered the possibility of driving out the moneychangers, though he finally concluded that it *is*, after all, a trade show. *Christianity Today* review editor Doug LeBlanc complained to me about the "buffoonery" of such crass gimmicks as the money booth. The promoter with the inflatable sharks sent me a note that made fun of the fish-shaped mints ("Mmmm, minty fresh Scripture").

Nor is this discomfort a new development. In his 1997 book *Mine Eyes Have Seen the Glory: A Journey Into the Evangelical Subculture in America*, Columbia University professor of religion Randall Balmer tells of his trip to the 1988 CBA convention. He describes a gathering similar to, if slightly smaller than, the one I attended, including wild promotions, a cornucopia of products, and, of course, fretting by evangelicals over how commercial and gaudy the industry had become. John Pott, an editor at Eerdmans, confessed to finding the whole scene "utterly demoralizing." Publisher Lisa Shaw admitted that she had gotten "so fed up with the whole thing that I went...to my hotel and cried for two hours." If blatant commercialization is cause for tears, it's a wonder that Shaw stopped after only two hours.



The Christian culture industry, as represented both by the CBA convention and by its member stores, may have been less concerned with sales in the past, but I've found little evidence of that. The sense of guilt that hovers over the convention may reflect the growing pains of an industry that is expanding its services to a slice of society whose cultural demands grow each year.

Most Christian book companies started as small family affairs or as publishing arms of Bible colleges; many CBA stores started as mom-and-pop operations. Through a process of sifting much like what goes on in the secular publishing and bookselling industries, some went bust while others innovated, grew, and sold out to secular publishers who wanted a piece of the Christian action. In fact, most large Christian publishers are now owned by otherwise secular houses. Random House, for instance, owns Zondervan, a leading Christian house. While no Christian chain yet rivals Barnes & Noble, Family Christian Bookstores has several hundred outlets across the country.

The older presses that have not sold out to the secular giants either struggle or get religion, the religion in this case being marketing. One editor of a very conservative holdout told me the only question his publisher asks about a book is whether it will sell. (Theology does play an indirect part in the selection process: If a book's message is likely to offend readers, it probably won't sell.) Publishers that have typically peddled more highbrow fare are experimenting

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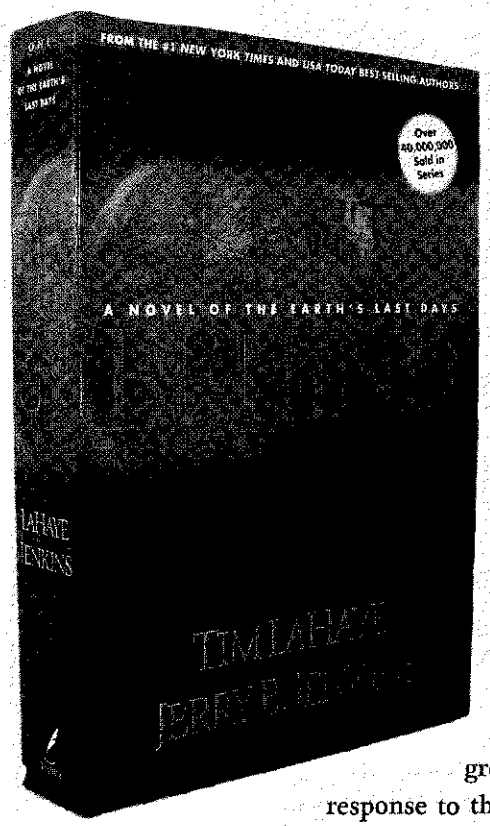
with different sorts of titles. The current catalog of the high-toned house Westminster John Knox Press, for example, features *The Gospel According to the Simpsons*.

In fact, the publisher Thomas Nelson, one of the few holdouts to make it big, recently reversed the familiar process and started a secular imprint, WND Books. It features such newsmaking authors as former Florida Secretary of State Katherine Harris (now a member of Congress) and shock jock Michael Savage.

Not only is the Christian book industry itself huge, its borders are getting hard to define because so many of its works are published and sold by secular firms. It's difficult to fix the dollar figures with any kind of precision, but sales through CBA member stores and distributors—a large segment but by no means all of the industry—came to $4 billion in 2001.


FROM THE #1 NEW YORK TIMES AND USA TODAY BEST-SELLING AUTHORS
Over 40,000,000 Sold in Series
A NOVEL OF THE EARTH'S LAST DAYS
TIM LAHAYE
JERRY B. JENKINS

The best-selling novel that year was not a John Grisham or Tom Clancy number but *The Remnant*, the latest installment of Tim LaHaye and Jerry Jenkins' *Left Behind* series, a feat that landed the authors on the cover of *Time*. As a result, mainstream publisher Bantam Dell signed LaHaye to a reported $45 million book contract for a separate series. Other Christian titles, such as Bruce Wilkinson's *The Prayer of Jabez*, occasionally make ripples in the secular publishing world, and most large bookstores have expanded their sections of religious books and novels. Not long ago, if someone wanted a work by Christian horror writer Frank Peretti or lay theologian Philip Yancey, they would have had to visit a religious specialty store. Now they can find it at Barnes & Noble or Borders.

Evangelical Christian pop music—popularly known as Contemporary Christian Music, or CCM—now rivals country as the most popular radio format. Several acts, from Michael W. Smith to Jars of Clay, have tried "crossing over" to secular markets, with varying degrees of success. New quasi-religious acts like Creed and Litehouse engage in heavy flirtation with the CCM market without explicitly joining it.

Christian filmmaking is also starting to emerge from the swamp of poor distribution and lousy production values. On display at the CBA were such films as *Waterproof* (starring Burt Reynolds), *To End All Wars* (dubbed a film "to end all Christian films" by the religious periodical *Books & Culture*), and *Hometown Legend* (think *Rudy* minus the Hail Marys). The cloth strap that held my convention ID doubled as a promotion for the new Veggie Tales movie, *Jonah*, which according to *Box Office Mojo* had taken in over $23 million by Thanksgiving 2002.

Not everybody is happy with the shape and success of the modern Christian culture industry and its growing crossover appeal. In response to the huge LaHaye book deal, critic Bruce Bawer warned on TomPaine.com of the "growing ties between New York publishers and evangelical Christian authors."

Bawer, author of *Stealing Jesus: How Fundamentalism Betrays Christianity* and *A Place at the Table: The Gay Individual in American Society*, expressed nostalgia for an earlier era of publishing when "no reputable New York publisher would have published such books" as the *Left Behind* series in order to get its mitts on vaguely sinister-sounding "evangelical money." "Some of us," explained Bawer, "still cling to the old fashioned idea that the publishing of books in a democratic society, in addition to being a business, is also a profession that carries with it certain moral, intellectual, and aesthetic obligations.... The current move into premillenialist prophecy novels and other works of hard core fundamentalism seems a giant step too far."

In case readers missed the other-shoe-dropping implications of his screed, Bawer took a swipe at the patriotism of Bantam Dell and company for "capitulating" to Bible-thumpers "at a time when the United States is waging a war against fundamentalist intolerance and illiberality—against minds and hearts possessed by irrational dreams of violence."

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The end of the world has been a popular subgenre for many years. Exactly what has drawn readers to so many secular total destruction fantasies is a question that's hard to answer.

Other lines of criticism come from the constituency of the Christian culture industry itself. To many evangelicals, who after all are Protestants, the gaudy excesses of the industry trigger vague cultural memories of ancient controversies over relics and indulgences. The Reformers viewed the marketing of religious artifacts and get-out-of-purgatory-free passes as a sign of decay. It's a pretty good bet that John Calvin or Martin Luther would be none too thrilled by the Jesus, Mary, and Joseph action figures or the Christian self-help books (as one author put it, "It's like a regular motivational book with Bible verses sprinkled in") displayed on the CBA convention floor.

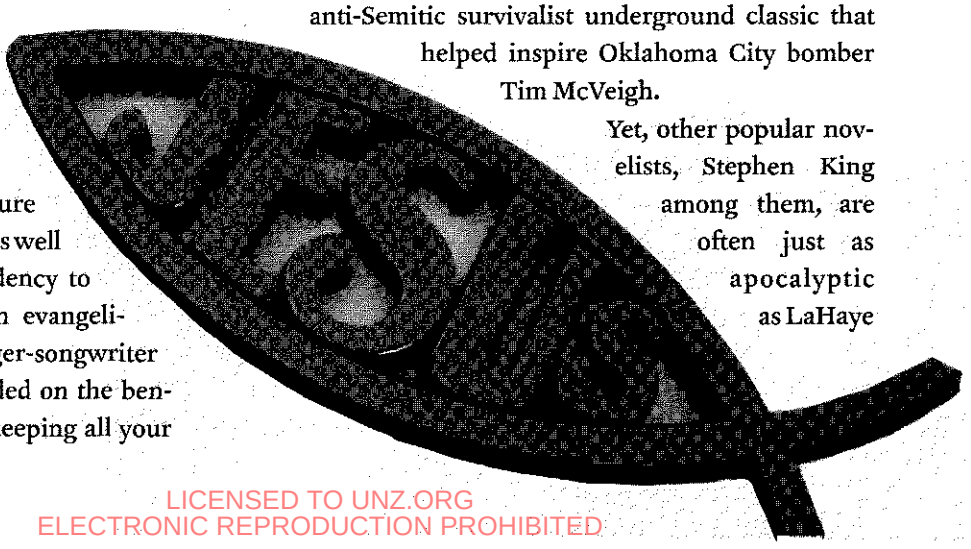
This queasiness is reinforced by an anti-materialist streak that American evangelicalism seems to have absorbed during the 1960s and '70s. In fact, evangelicals' professed contempt for material things can rival the anti-consumerism of the most ardent Naderite. A popular anti-materialistic evangelical song from the '60s featured the refrain "they'll know that we are Christians by our love." When I suggested to evangelical acquaintances that it's just as likely that "they'll know that we are Christians by our stuff," it produced a lot of exasperated sighing.

Another criticism of the culture industry, expressed from within as well as without, is that it has a tendency to reinforce a certain insularity in evangelicals. In the 1980s evangelical singer-songwriter Steve Taylor mockingly expounded on the benefits of the industry: "You'll be keeping all your money/in the kingdom now/And you'll only drink milk from a Christian cow." In the 1990s a secular narrator of one of the vignettes in Douglas Coupland's novella *Life After God* expressed this distance by reporting on his attempt to understand the "many many" Christian radio stations he happened upon as he drove through a desert. He sensed a real enthusiasm he ultimately failed to penetrate:

"The radio stations all seemed to be talking about Jesus nonstop, and it seemed to be this crazy orgy of projection, with everyone projecting onto Jesus the antidotes to the things that had gone wrong in their own lives. He is Love. He is Forgiveness. He is Compassion. He is a Wise Career Decision. He is a Child Who Loves Me."

Critics are right about the apparent insularity of evangelical culture, but not as right as they think they are. The hand wringing that the *Left Behind* series has engendered, for instance, is irrational. Though Bruce Bawer's Tompaine.com piece is an extreme example of overreaction, a few nonreligious friends have privately explained to me that the existence and popularity of such books—"wish fulfillment fantasies about non-fundamentalists suffering apocalyptic torment," as Bawer put it—worry them. The reviewer for the determinedly anti-religious *Free Inquiry* likened the series to *The Turner Diaries*, the anti-Semitic survivalist underground classic that helped inspire Oklahoma City bomber Tim McVeigh.

Yet, other popular novelists, Stephen King among them, are often just as apocalyptic as LaHaye



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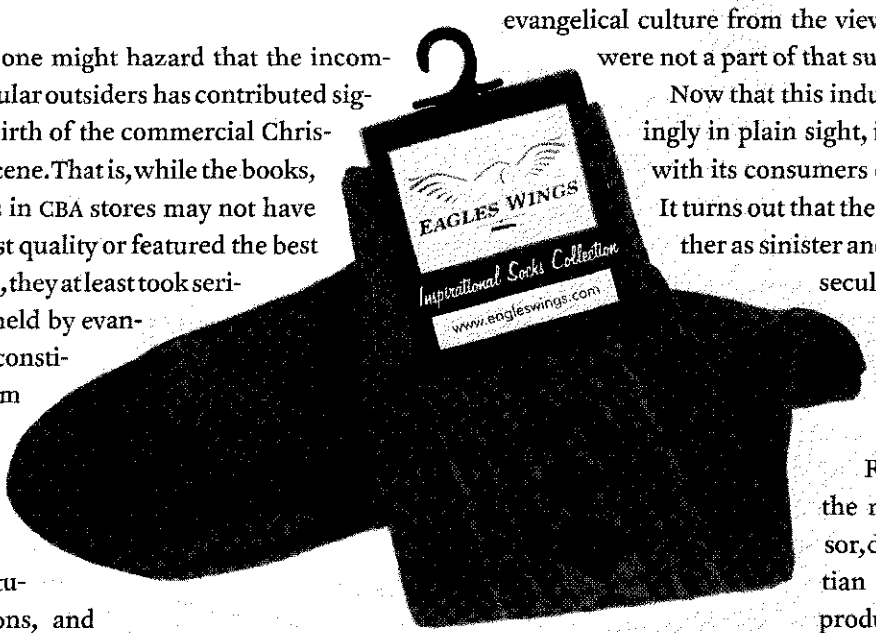
and Jenkins, without inspiring dire warnings that America is about to embrace a fascist theocracy. True, King and company don't take their apocalypses seriously. On the other hand, the end of the world has been a popular subgenre for many years. Exactly what has drawn readers to so many secular total destruction fantasies is a question that's hard to answer, but that answer is unlikely to be compassion for humanity.

In any event, one might hazard that the incomprehension of secular outsiders has contributed significantly to the birth of the commercial Christian pop culture scene. That is, while the books, music, and videos in CBA stores may not have been of the highest quality or featured the best production values, they at least took seriously the beliefs held by evangelicals, who may constitute anywhere from a quarter to a third of American society. The move by secular presses, movie studios, radio stations, and record labels to cater to this market could be viewed as a victory for commercial self-interest over religious intolerance.



In fact, the economic embrace of Christian pop culture by mainstream producers may be straining the original Christian cultural scene. Now that evangelical novelists can be published by secular presses, they can avoid relatively stifling moral guidelines that have been constraining them (no swearing, no sex out of marriage unless it has disastrous consequences, the requisite amount of God talk, etc.). New Christian music acts are now routinely courted by secular record labels. That allows them more freedom to inject their faith into the mainstream culture in a way that simply wasn't done by secular labels before, even while removing the more popular groups from the Christian labels' lists. Christian publishers are being squeezed at both ends as bookstores demand steeper discounts while increasingly influential mainstream agents secure better contracts for Christian writers. In turn, Christian bookstores face new competition from secular bookstores.

Sales of Christian books through nonreligious bookstores are also rectifying a long-running, quasi-conspiratorial grievance of many evangelical authors, because it allows their books to climb bestseller lists from *The New York Times* to *USA Today*. Such lists only count sales through mainstream bookstores, which in the past effectively excluded even the most wildly successful evangelical bestsellers from recognition. This division of secular and religious book sales, like the division of secular and religious culture in general, had the effect of removing evangelical culture from the view of those who were not a part of that subculture.

Now that this industry is increasingly in plain sight, its relationship with its consumers can be studied. It turns out that the industry is neither as sinister and monolithic as secular critics claim nor as secular and venal as religious critics fear.

Randall Balmer, the religion professor, describes Christian culture as the product of a separatist impulse that managed to yield results very similar to the secular culture Christians sought to escape. Superficially, he has a point. As I wandered down the aisles of the CBA, I asked the same question: Hasn't the industry simply replaced self-help and pop psychology books with pious variants thereof, the secular *Butt Ugly Martians* with the religious *Veggie Tales*, Altoids with Scripture Mints, Beanie Babies with Holy Bears, and secular schlock apocalyptic novels with tamer, preachier Christian schlock apocalyptic novels? On first blush, it sure looks that way.

But the distinction between the material and the sacred, or the commercial and the spiritual, can be tricky. To pick an obvious example, there is no more sacred book to evangelicals than the Bible—more tradition-minded Christians sometimes accuse them of "bibliolatry," the worship of the text—and there is no product of the Christian culture industry that is more effectively exploited and marketed than the Good Book.

At the convention were dozens of different translations and paraphrases of the Bible—the

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The move by secular presses, movie studios, radio stations, and record labels to cater to the Christian market could be viewed as a victory for commercial self-interest over religious intolerance.

New International Version, the King James, the New King James, The Message—along with hundreds of specialty Bibles with commentaries (by rock musicians as well as serious Bible scholars), and countless freestanding commentaries on individual biblical books. (The existence of red-lettered editions of the Bible, in which the words attributed to Christ appear in red, serves as the set-up for an awkward situation in Christopher Moore's *Island of the Sequined Love Nun*. The clueless hero asks a Bible-reading guard if the red writing highlights all the juicy parts.)

Or take other, more suspect items from the convention: those Scripture Mints, holy diet books, spiritual key chains, Thomas Kinkade paintings, biblical action figures—all items that your local evangelical bookstore is likely to carry. Surely *these* items are shameless and naked grabs for evangelical filthy lucre. What possible purpose, skeptics ask, can such kitsch serve?

Are many of these products merely a way to make a fast and cynical buck? They probably are. But the more revealing question is not about what the products do for their producers; it is about what they may be doing for their consumers.

The anti-materialistic/anti-consumerist criticism overlooks an essential fact: that material artifacts, even kitsch, can embody real meaning for those who use them. The products, good and bad, that dominated the CBA both reflected and validated the subculture that generated the demand for them. The people who read the books, listen to the music, hang the Thomas Kinkade paintings in their homes, and use the other products of this industry are surrounding themselves with artifacts that reflect their values and beliefs, that validate who they are. For such consumers, the *Left Behind* novels, the evangelical pop music, and all the rest serve as the building blocks of a shared evangelical cultural identity. In brief, evangelicals are using the market to fashion and refashion themselves, and to project the resulting identity to others, in just the way that all consumers do.

Therein lies the real significance of the Christian cultural industry. It is fixed enough to support a religious group identity for millions of people but fluid enough to accommodate myriad arguments and interpretations. And it gives this minority religious group the ability to make the wider culture take it seriously—to punch above its weight in the market contest it has entered. ▮

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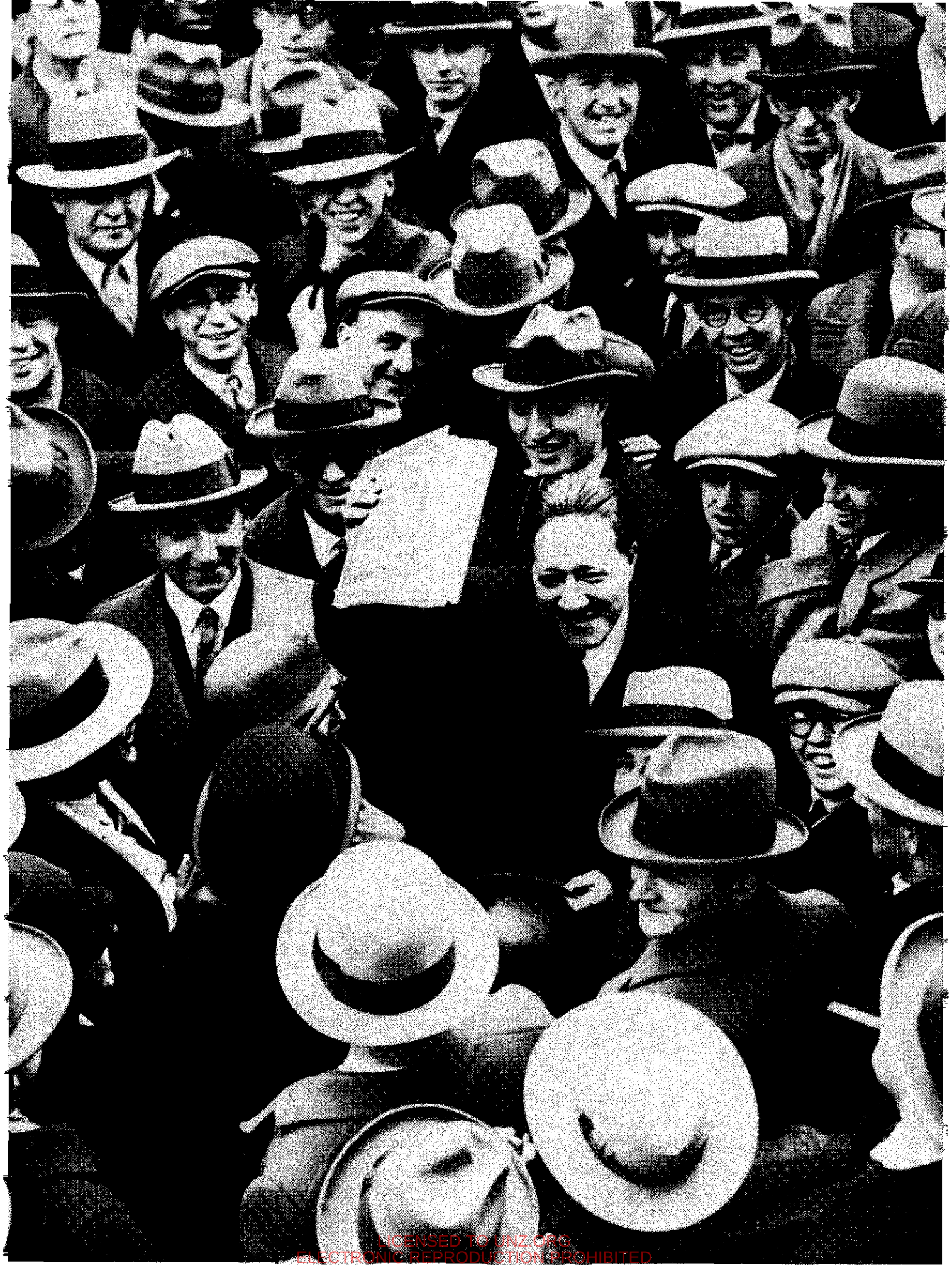

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Scourge of the Booboisie

Weighing H.L. Mencken's legacy

Jack Shafer

The Skeptic: A Life of H.L. Mencken, by Terry Teachout, New York: HarperCollins, 432 pages, $29.95

IMAGINE THE HORROR of writing a great man's biography. Not just your garden variety great man, but H.L. Mencken, the firebrand individualist who reinvented journalism, upended politics, beat the complacent linguists at their own game, terrorized the sincerely pious, and fumigated the halls of literary criticism. A man whose words, a half-century after his death, continue to shape the way we think.

Then imagine piloting that book through the wake cut by the half-dozen existing Mencken biographies, a couple of which have told the great man's story well, and compound the horror with the knowledge that contracts for two other major Mencken biographies have been signed. But your fellow biographers are not your main competition in telling the tale. The subject himself is.

An American Pepys, Mencken recorded nearly every thought that passed through his mind and practically every major social engagement on his calendar. Without being an exhibitionist, Mencken revealed his personal life in three volumes of memoirs, classics of the genre; in many thousands of letters; and in his voluminous and blunt diaries, which he protected from publication until well after his death. Adding Mencken's criticism, commentary, scholarly work, and reportage to the count, this laureate of free thinking and enemy of government committed more than 5 million words to paper before a stroke addled much of his brain at the age of 68 and death harvested him in 1956, eight years later.

Daunted or not, Terry Teachout—critic, essayist, and lapsed editorial writer (*New York Daily News*)—accepted the job in 1990. He told the *Los Angeles Times* that he intended to write an epic on the scale of *American Caesar*, William Manchester's 793-page biography of Gen. Douglas MacArthur.

Born in Victorian America to bourgeois parents in Baltimore, Henry Louis Mencken and journalism met cute when a Baltimore No. 10 Self-Inker Printing Press arrived under the tree on his eighth Christmas. The magic of ink, words, and paper seduced him early on, so when Mencken's father's premature death freed Henry from the family cigar making business in 1899, the 18-year-old hired on as a reporter at the *Baltimore Morning Herald*.

Still, his lightning rise from cub reporter to critic to editor-in-chief of the *Morning Herald* by the age of 26 and his early freelance career as writer of articles, fiction, and poetry don't give a clue to the grand influence over American letters that would be Mencken's by his 30s.

From his provincial roost of Baltimore (and neither benefiting from nor hindered by a day in college), Mencken detected greatness in other writers with an extraordinary literary radar. He wrote the first book in America on George Bernard Shaw and one of the earliest studies on the philosophy of Friedrich Nietzsche, championed *Huckleberry Finn* before it was fashionable, and called hell and calumny down on Henry James' prose style from his newspaper column. "Take any considerable sentence from any of his novels and examine its architecture. Does it wriggle and stumble and stagger and flounder?" Mencken wrote. "Doesn't it begin in the middle and work away from both ends? Doesn't it bounce along for a while and then, all of a sudden, roll up its eyes and go out of business entirely?"

Mencken consolidated his talents as critic and tastemaker and put them on a national stage when he migrated from newspapers to magazines, first *The Smart Set* and later *The American Mercury*. Mencken crusaded to make the novel more reportorial, more ver-

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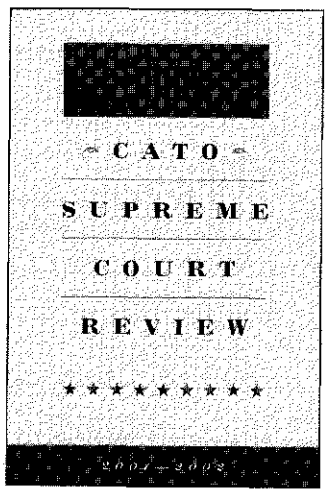

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nacular, and more real, and he used his magazines to evict the leading (but now mostly forgotten) novelists of the day, William Dean Howells, Gene Stratton Porter, and Harold Bell Wright, from their positions. Mencken believed that the novel should above all report. It should tell the truth about life as it is lived and never, ever preach.

Perhaps no American critic has enjoyed more success in advancing his views on literature as Mencken did between 1914 and 1925 with reviews and publication of such writers as Theodore Dreiser, Sinclair Lewis, F. Scott Fitzgerald, Eugene O'Neill, Joseph Conrad, Langston Hughes, Dorothy Parker, James M. Cain, Willa Cather, and many others. He supported the Harlem literary renaissance and even published early work by James Joyce, although he would later call Joyce's *Ulysses* "deliberately mystifying and mainly puerile," a book "concocted...as a kind of vengeful hoax."

The Smart Set and *The American Mercury* had the sort of countercultural impact on their times that the Harold Hayes *Esquire* had on the '60s, *Rolling Stone* on the '70s, and *Spy* on the '80s. If you were a smart young thing who wanted to express your hip worldliness, you carried a Mencken magazine under your arm, cover out. As Ernest Hemingway put it in 1926's *The Sun Also Rises*, "So many young men get their likes and dislikes from Mencken."

Fiction was only part of the Mencken editorial mix. Pungent social criticism flowed from his pen. He and his writers railed against the "booboisie," the term he coined to describe the uncultured and witless who ran the country. His publications insulted puritans of every stripe, denounced all religions, and mocked all gods. When the state of Tennessee prosecuted high school teacher John Scopes for teaching evolution in 1925, Mencken collaborated with the American Civil Liberties Union and attorney Clarence Darrow on the Scopes defense. Mencken failed to tell his Baltimore *Sun* readers, for whom he wrote daily trial dispatches, of his partisanship.

Such concealment today would get a journalist drummed out of the guild. But then again, nobody ever took Mencken for an objective reporter. He advertised his prejudices. Mencken's trial dispatches paved a path for the "new journalism" of Tom Wolfe, Gay Talese, Hunter S. Thompson, and their brethren, who use novelistic skills to better portray reality. Scopes lost the case, as everyone expected, but Mencken won the battle as William Jennings Bryan, the prosecution's Bible-thumping celebrity witness, died five days after the trial, presumably from the stress of cross-examination. His passing in 1925 inspired Mencken to the heights of invective. Of Bryan he wrote:

"But what of his life? Did he accomplish any useful thing? Was he, in his day, of any dignity as a man, and of any value to his fellow-men? I doubt it. Bryan, at his best, was simply a magnificent job-seeker. The issues that he bawled about usually meant nothing to him. He was ready to abandon them whenever he could make votes by doing so, and to take up new ones at a moment's notice. For years he evaded Prohibition as dangerous; then he embraced it as profitable. At the Democratic National Convention last year he was on both sides, and distrusted by both. In his last

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great battle there was only a baleful and ridiculous malignancy. If he was pathetic, he was also disgusting.

"Bryan was a vulgar and common man, a cad undiluted. He was ignorant, bigoted, self-seeking, blatant and dishonest. His career brought him in contact with the first men of his time; he preferred the company of rustic ignoramuses."

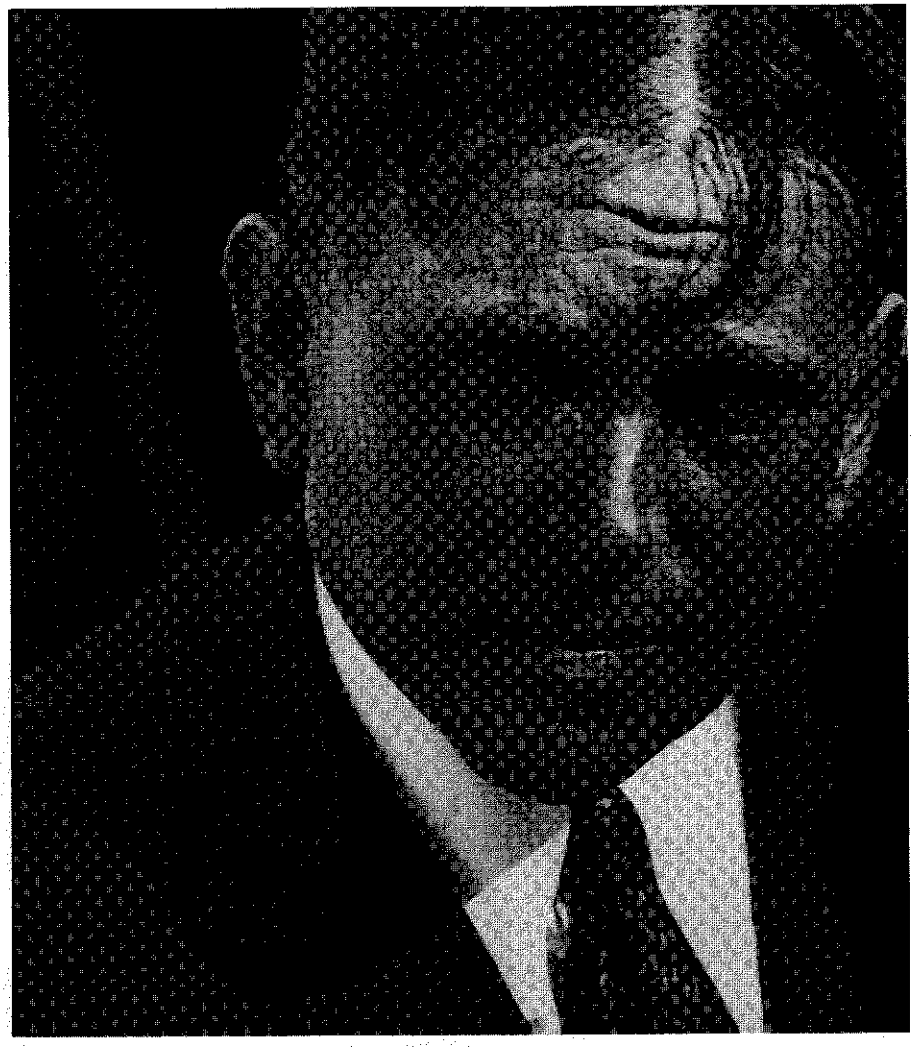
Mencken always saved his sharpest barbs for politicians and governments, for censors and do-gooders, for meddlers and interlopers and prohibitionists who dragged down the superior man. His vociferous opposition to America's entry into World War I cost him his newspaper gig at the Baltimore *Sun* and caused the powers that be to declare him an enemy of the state. The Justice Department shadowed him, and the War Department read his mail. Fearing the worst, Mencken buried his most confidential papers in his backyard. When he returned to public letters after the war, he claimed that the government did him a favor by liberating him from daily journalism and giving him the time to write five books.

Still, the harassment further radicalized him against an institution he already despised. "In so far as my personal relations with it offer any evidence the government I live under is devoted exclusively to extortion and oppression," Mencken wrote. Ignoring death threats from the rabble, he campaigned in his newspaper column against segregation and the lynching of blacks on Maryland's Eastern Shore.

Yet Mencken's proto-libertarian politics did not celebrate liberty for everyone. As a neo-Darwinist who never fully escaped the Victorian era, he wrote, "Liberty, of course, is not for slaves; I do not advocate inflicting it on men against their conscience." Most "Negroes and women" were not worthy, he believed. (I remember nearly dropping my first volume of Mencken back in 1971 when encountering his racist references to "Mississippi darkeys" and "Hottentots.") Ethnic immigrants he thought uncivilized, and he published many foul and acerbic comments about Jews.

When Teachout announced his plans for a Mencken biography back in 1990, he promised it no sooner than 1994, a vow he kept, as the year 1994 brought publication of rival Fred Hobson's *H.L. Mencken: A Life* but nothing by Teachout. In fact, when the millennium passed the biographee was more prolific than biographer, publishing three new books: *The Impossible H.L. Mencken*, a collection of newspaper work; *A Second Mencken Chrestomathy*, another "best of" collection (edited by Teachout); and the autobiographical *My Life As Author and Editor*.

Now comes November 2002, and with it—finally! finally!—Teachout's much awaited *The Skeptic: A Life of H.L. Mencken*. Teachout brings to the project the grounding, energy, and clear, clever prose required. But after all his gestating, Teachout has birthed a book that reads more like one of those short biographies of famous people sold under the "Penguin Lives" rubric than it does the Manchesterian epic he promised his read-



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ers more than a decade ago. Or worse, it resembles the world's longest literary essay with biographical details. Teachout admits as much in his book, writing that *The Skeptic* is only a "partial portrait" and that he avoided writing an exhaustive biography "so as to avoid being exhausting." I suspect that it's his own exhaustion, not the reader's, that Teachout sought to dodge.

Teachout isn't the first writer to choke when thrust too close to Mencken. In 1981 the *Washington Post* book critic, Ring Lardner biographer, and fellow Menckenphile Jonathan Yardley contracted to write a life of Mencken, only to bail five years later. Among other reasons for giving up the assignment, he wrote, "I did not think I could write sympathetically about him because of what I saw as his antisemitism and racism." Another announced Mencken biography, by Marion Elizabeth Rodgers from Oxford University Press, appears to have vanished in the mists too.

Why did Teachout sour on the man he surely once worshipped? As one who has gorged himself on Mencken, I can sympathize with the biographers who rushed in to appraise Mencken's life and then turned away, disgusted by his cruelty, small-mindedness, and transparent bigotry. Without a doubt, Mencken treated classes of people miserably in his work. He wrote caustically about Jews publicly and scabrously privately. He called blacks savages and worse. None of this is news to even casual readers of Mencken. It's been a huge part of his legend since the late '50s, when a former managing editor of *The American Mercury* constructed an entire memoir around Mencken's bad-mouthing of Jews.

But what serious reader hasn't turned on a favorite writer, finding the taste of his words rancid after consuming too much of it? I suspect that in swilling the 5 million words that was H.L. Mencken and spending three times as long as he intended on the project, the minnow Teachout unexpectedly found himself swallowed by the whale, and this passable book is his writ for release from the belly.

That the reputation of H.L. Mencken has fluxed can't be blamed on his biographers. He wrote from another place called the past, where all sorts of slurs were, if not acceptable in polite society, common. Without fear of censure or admonition, one could write about wops, japs, micks, pollocks, the shanty Irish, frogs, hunkies, hebes, dagos, krauts, spics, and nips and attribute to them the hoariest of stereotypes. Mencken's reputation might have stabilized, his ugly excesses sinking and the best of his work rising, if he hadn't otherwise plotted to thrust himself back into the public eye from time to time.

The terms of his will scheduled the release of his private papers at 10-year intervals, starting in 1971 and ending in 1991. The uncorking of each installment has sounded across the culture like a time bomb, with the 1991 vintage being the most racially bilious. We read Mencken because he was great, but we also read him because he provokes from the grave.

It would trivialize Teachout's labors to call *The Skeptic* an unfair and distorted book because it repeatedly judges Mencken's foul and acerbic comments about Jews and blacks

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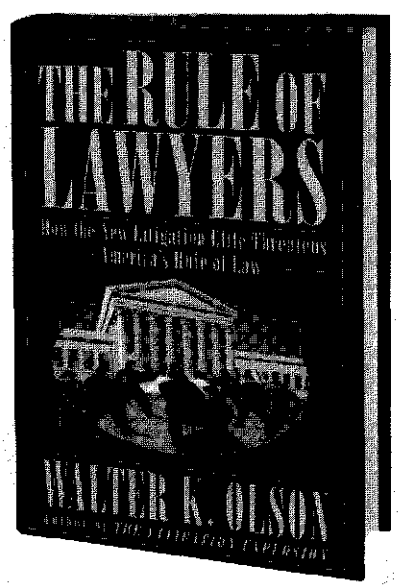

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by 21st century standards of propriety. Although Teachout tags Mencken an anti-Semite, he cuts the man some well-deserved slack by acknowledging his many lasting friendships with Jews and the flatteries he granted them. Considering the climate of the times—quotas on Jews existed at Ivy League schools and hotels "restricted" them—Mencken's views on Jews were moderate. His opposition to World War II came from a position of intense Germanophilia and intense distrust of FDR and England. Although Mencken often made light of Hitler, he campaigned vigorously

Mencken wrote when slurs were common. We read him today because he was great, but we also read him because he provokes from the grave.

to save German Jewry after Kristallnacht, writing in their defense and personally signing immigration affidavits on the behalf of specific asylum seekers. But so huge was Mencken's Germanophilia that he argued against bringing Polish and Romanian Jews to America. Even German Jews looked down on them, he wrote; their proper refuge from Hitler was Russia.

Yet the book's constant refrain is one of disapproval. Mencken's work on Nietzsche was not much noticed by later scholars, Teachout warns. Furthermore, his magazines were filled with the contributions of hacks. Of course, that's true of other great magazines, such as Harold Ross' *New Yorker*. But a magazine is by definition an ephemeral thing, hard to judge outside its context.

Although Teachout lauds Mencken's lexicographical work in *The American Language*, he looks down on the man's music criticism, berates him for not appreciating the literary modernists and jazz, faults him for losing his perfect political touch during the FDR era and not seeing through Hitler soon enough, and denigrates him as a fickle friend. Has any giant been labeled a midget so many times?

Teachout writes of his hope "to portray H.L. Mencken sympathetically but honestly," but in the necessary scrutiny of biography he lets "honesty" trump "sympathy" on most every page of *The Skeptic*. If you were new to Mencken, you might come away from this book with the notion that he was the most fearless and gifted journalist of the last century, but you'd first ask why we still read such a creep.

Teachout telegraphs his intentions to shrink Mencken in *The Skeptic*'s epigraph, quoting a line from James Gould Cozzens about the "Fool Killer," the heroic slayer of idiocy who ultimately finds himself humbled. This flows into the first chapter of *The Skeptic*, which recounts the 1934 Gridiron Club meeting of politicos and journalists in which President Franklin D. Roosevelt, whom Mencken did not like much and would grow to despise, got the better of Mencken in a contest of wits. How? By quoting Mencken's vicious attack on the intelligence of his fellow pressmen and, after the snickering died down, citing Mencken as the source. For a life filled with so many triumphs, this stinging instance should hardly stand as his emblematic moment.

In the field of toxicology, there's a maxim that describes how one substance when taken in moderation is beneficial and at extremes is a poison (think salt, or heroin). "Dose determines toxicity," they say. In Teachout's case, I'd say that the diligent biographer overdosed on Mencken—both his life and his work—and that this book is its own postmortem.

Jack Shafer (pressbox@hotmail.com) is Slate's editor at large.

Liberating Late Night

Saturday Night Live vs. the censors

Now that *Saturday Night Live* is firmly ensconced as a small-screen institution, it's hard to recapture the original energy and excitement behind the show. When producer Lorne Michaels started *SNL* in 1975, he wanted it to be revolutionary—for television, anyway. He wanted his program to have the freedom that already existed for books, magazines, movies, and theater. Michaels and his actors and writers were intent on using characters, concepts, and, yes, *words* that had never before been on TV.

Standing in *SNL*'s way was NBC's Broadcast Standards Department, which was charged with making sure the network upheld the "public interest," a condition for keeping its federal broadcast license. While the public interest has never been defined satisfactorily, this much is indisputable: The rule made television remarkably tame. The tension between the *SNL* crew and network restrictions shoots through two new books about the show and its »

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Learning to Love the Bomb

Is nuclear proliferation inherently dangerous?

Steve Chapman

The Spread of Nuclear Weapons: A Debate Renewed, by Scott D. Sagan and Kenneth N. Waltz, New York: W. W. Norton & Co., 220 pages, $18.50

With the United States in a wartime mode with respect to both Al Qaeda and Saddam Hussein, Americans may have forgotten the scale of the danger that confronted them just a few years ago. The Soviet Union then fielded a huge army that had bested the Wehrmacht and was fully capable of gobbling up large chunks of Western Europe. It supported "liberation movements" around the world with arms and money. It operated a spy network that stole some of our most sensitive and tightly guarded security secrets. And, not least, it maintained an arsenal of thousands of nuclear weapons. During the superpower standoff, every American was half an hour from nuclear annihilation.

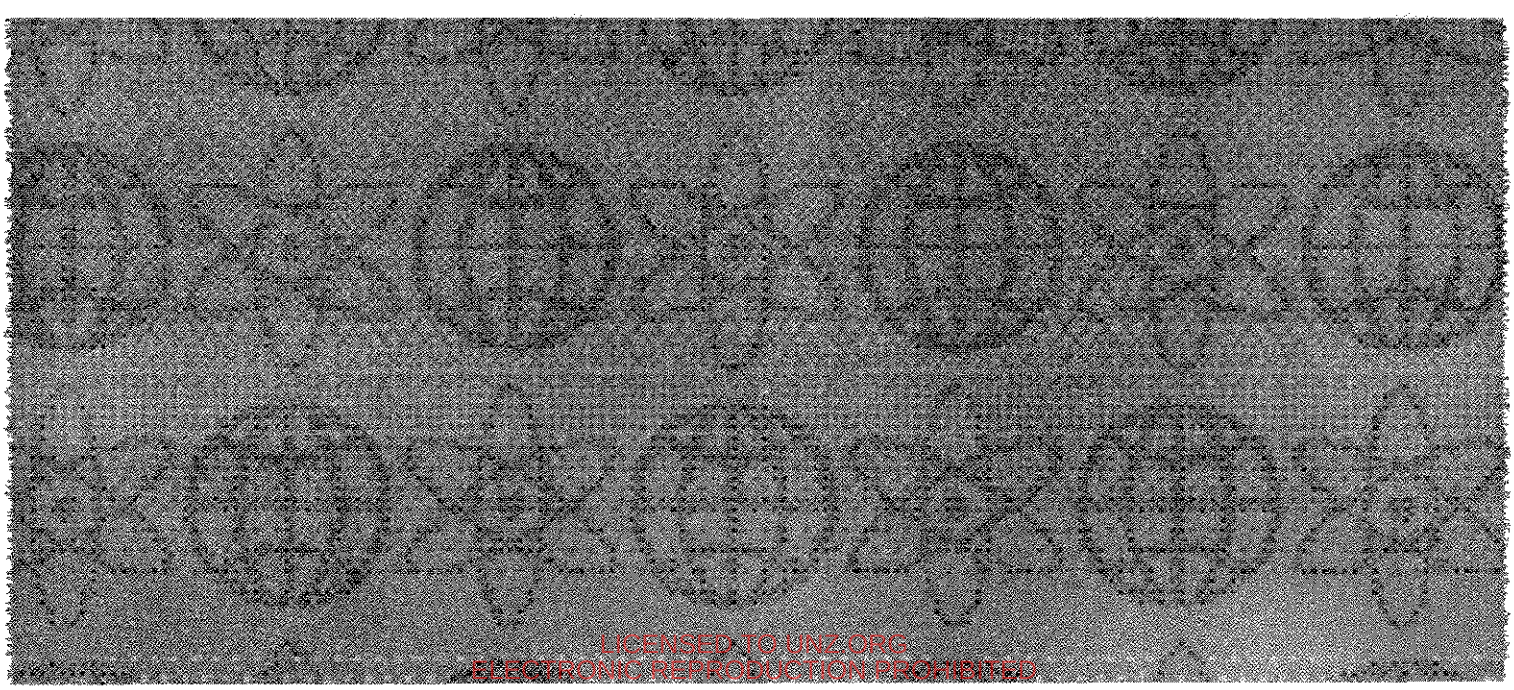
Anyone looking ahead from 1945, when this standoff began, would have glumly expected that sooner or later the two sides would come to savage blows. But the most striking fact about the Cold War was its peacefulness. Not only did all those nuclear weapons go unused, but American and Soviet soldiers never met on the field of battle. Historian John Lewis Gaddis argued that the period was misnamed: Instead of the Cold War, he said, it may well be remembered by history as the Long Peace. Writing in 1987, he noted that it compared favorably "with some of the longest periods of great power stability in all of modern history."

In a century marked by the greatest and most deadly wars ever seen, this era of tense truce came as a surprise, and might be seen as a miracle. But nothing supernatural was involved. Human nature didn't suddenly change. Nations didn't cease to regard each other with suspicion and distrust. But at least one important thing made the postwar world different: the invention of atomic weapons. As the military theorist Bernard Brodie wrote in the aftermath of Hiroshima and Nagasaki, "Thus far the chief purpose of our military establishment has been to win wars. From now its chief purpose must be to avert them."

Each side had a powerful interest in avoiding any conflict that could escalate out of control. Although no one expected it at the outset, a durable though uneasy form of peace took hold. Yet the same nations whose power and security have been underwritten by nuclear weapons have labored mightily to prevent anyone else from getting them.

When North Korea built a nuclear reactor capable of providing fuel for bombs, the United States and South Korea bribed Pyongyang into giving it up—though it turns out that the regime apparently acquired a nuclear arsenal anyway. When India and Pakistan carried out nuclear tests, Washington imposed sanctions on both. Today President Bush's policies toward Iraq spring from the fear of a nuclear-armed Saddam Hussein. It may not be long before the administration turns its attention to another longtime enemy with nuclear ambitions: Iran.

In a world where nuclear weapons are the ultimate protection, many countries feel an urgent need to



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acquire them, and some are bound to succeed. That prospect raises a question rarely considered: Is it possible that the world would be better off with *more* nuclear states?

In *The Spread of Nuclear Weapons: A Debate Renewed,* Columbia University political scientist Kenneth Waltz makes an exhaustive case that "the gradual spread of nuclear weapons is more to be welcomed than feared." Stanford political scientist Scott Sagan replies that nuclear weapons do not prevent human beings from making mistakes but "only make their inevitable mistakes more deadly." This book, a revised and expanded version of their 1995 volume on the same subject, addresses crucial issues in a clear and provocative way that should engage newcomers and stimulate rethinking by those familiar with the subject.

Waltz argues convincingly that the incentives inherent in a nuclear world work vigorously to keep even fierce disputes from turning into armed conflicts and to keep armed conflicts from escalating. "In a conventional world, one is uncertain about winning or losing," he writes. "In a nuclear world, one is uncertain about surviving or being annihilated. ...When these are the pertinent questions, we stop thinking about running risks and start worrying about how to avoid them."

That tendency is evident not only in the U.S.-Soviet experience but in the standoff between India and Pakistan. During the 1999 fighting between the two nations, Waltz concludes, "the presence of nuclear weapons prevented escalation from major skirmish to full-scale war." The same logic held in 2002 when the two sides made a public display of preparing for war over Kashmir. Each government tried to make the other believe it was willing to weather a nuclear war if need be, but each was also careful to avoid giving the other a reason to start one. In the end, the war was averted, or at least postponed.

Waltz's logic serves to rebut the warnings heard during the last year about the threat that we would face if Saddam Hussein acquired nuclear weapons. We're told that he would use them because he has a history of reckless aggression. But Stalin and Mao were also regarded as determined expansionists, and we managed to deter them from using their nukes.

One scenario pictures Hussein, armed with nukes, invading Kuwait or Saudi Arabia and then forestalling American intervention by threatening to incinerate New York. But this is not a new kind of fear. During the 1960s, writes Waltz, "Some American commentators worried that the Soviet Union might suddenly seize Hamburg, which jutted into East Germany, and then in effect ask, 'Is NATO's fighting to regain Hamburg worth risking a nuclear conflagration?'"

For that matter, China could have tried to use its atomic arsenal to cover an occupation of Hong Kong. But the risk of bringing on nuclear retaliation was too much to bear. To say that a country like Iraq or North Korea could use nuclear weapons for offensive purposes is to say, as Waltz puts it in a different context, "that although the strong can deter the strong as the United States and the Soviet Union did...the strong cannot deter the weak."

Sagan doesn't contest the fundamental logic of nuclear deterrence. His fears about the consequences of proliferation are mostly practical ones stemming from some troubling episodes during the Cold War and from the basic fallibility of human organizations. Despite the possibility of nuclear retaliation, American military planners urged Presidents Truman and Eisenhower to launch preventive nuclear strikes against the Soviet Union. Sagan argues that military officers may see nuclear war as inevitable, making them

Obsolete Late Night

influence, *Live From New York: An Uncensored History Of Saturday Night Live,* by Tom Shales and James Andrew Miller (Little, Brown), and *Saturday Night Live, Equal Opportunity Offender: The Uncensored Censor,* by William G. Clotworthy (1st Books Library).

In its infancy, the show was an ongoing experiment in testing boundaries in pursuit of laughs. As staff writer Rosie Shuster tells Shales and Miller, "Comedy writing was all about flirting with taboos and seeing how far you could push it. Not just gratuitously, though; it had to be funny." The comedy in *SNL*'s early years was often sophomoric, such as the infamous "vomitorium" sketch. But just as often it was political satire with actual bite, including presidential debates in which Gerald Ford thought there'd be no math questions and Jimmy Carter took pride in flip-flopping on abortion.

Such envelope pushing made Clotworthy's job as *SNL* censor a busy one. To his credit, he gave as good as he got. Whenever anyone threw the First Amendment at him, he responded, "Wake up and smell the coffee, boys, this is network television." He notes that "the fact of life in television is you cannot say whatever you want...there were limits and it was our job to define those limits."

Clotworthy comes across as a nice guy. He has a sense of humor, clearly liked the *SNL* crew, swears occasionally, and saves his greatest scorn for »

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susceptible to the idea that it's best to strike first.

What seems like the obvious logic of deterrence today was not always apparent. The key to deterrence is a second-strike capacity—the ability to absorb an attack on one's nuclear arsenal and still mount a nuclear response. If a country does not have that ability, its adversary may be moved to launch a pre-emptive strike. When both sides have a second-strike capacity, neither can hope to gain from going first, which fosters caution and stability.

To judge the effects of nuclear weapons, we need a lot more information drawn from real-world experience. For better or worse, we're going to get it.

Sagan notes that the most invulnerable part of the American nuclear force is on submarines—a system "developed against the wishes of the U.S. Navy leadership," which preferred to spend money on traditional weapons. China, which became a nuclear power in 1964, didn't bother to make its force invulnerable until the 1980s. But Third World states may lack the resources to assure the survivability of their stockpiles, or they may simply neglect that need.

In a crisis, Sagan fears, misinformation may spawn catastrophe, and less developed countries like India and Pakistan may lack the warning systems needed to know what they need to know. A conventional bomb dropped on a target might be perceived as a nuclear strike. The people in charge of the bombs also may be unreliable. The U.S. military administers psychological tests to nuclear weapons personnel, says Sagan, and each year it decertifies up to 5 percent of them. Pakistan has no such program. In a country teeming with Islamic extremists, that's ample cause for discomfort.

In this debate, Waltz is the microeconomist, arguing that the correct incentives will produce the most efficient outcomes. Sagan is the organizational theorist, conceding that this may be true in the long run while noting that in the short run there may be lots of mistakes, including some major ones. In the economic realm, such errors are tolerable. In the nuclear realm, the costs are vastly greater.

Nuclear weapons are fundamentally status quo weapons, inducing caution and promoting stability. In the last half-century, they undoubtedly served as a strong check on the superpowers, and under the right conditions they could diminish the incidence of conventional war.

It's entirely possible—maybe even probable—that the world will grow more peaceful as more states go nuclear, and that the Bomb will never again be used. But the Cold War, though reassuring, provides an awfully small sample by which to judge what will happen in a world beset by steady proliferation.

To judge the effects of nuclear weapons, we need a lot more information drawn from real-world experience. For better or worse, we're going to get it. ▯

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Gone With the Vote

For the GOP in the South, Reconstruction isn't quite over.

John J. Pitney Jr.

The Rise of Southern Republicans, by Earl Black and Merle Black, Cambridge, Mass.: Belknap Press of Harvard University Press, 442 pages, $29.95

FOR SUPPORTERS OF limited government, Rep. Bob Inglis (R-S.C.) was an ideal candidate. Running in 1998 for the U. S. Senate, he scorned the idea that lawmakers should scrounge federal pork for their constituents. He actually voted against projects meant to benefit his home district, and he promised to take the same approach in the upper chamber.

His opponent was incumbent Democrat Ernest "Fritz" Hollings, who dealt with pork the same way the Rev. Jimmy Swaggart dealt with illicit sex—seeking it as vigorously as he damned it. The only difference was that Hollings had no shame.

Inglis tried to say that Hollings' approach was out of date. "In 1966 [the year Hollings first won the seat], we sent senators to Washington to get whatever they could because we were desperately poor," Inglis said. But the prosperous South Carolina of the 1990s, he insisted, no longer needed government guarantees. "The senator is selling day-old bread, and we're not going to buy it." Alas, South Carolinians find their day-old bread quite filling. They re-elected Hollings, 53 percent to 46 percent.

Earl and Merle Black, twin brothers who teach at Rice and Emory universities, offer this case study in *The Rise of Southern Republicans*, the latest in a series of books, including *The Vital South* and *Politics and Society in the South*, that have established them as leading experts on Southern politics. Inglis' story exemplifies their broader analysis.

On one hand, Inglis' success shows how far the GOP has come. During the 1950s, a Republican could not win a House seat in most of the South (the 11 states of the Confederacy), much less score 46 percent against a veteran Democratic senator.

On the other hand, the Hollings victory is a reminder that Republicans have not gained the overwhelming dominance that Democrats once enjoyed. Throughout the region, statewide elections remain competitive. The GOP's century of impotence in the South following the Civil War was caused by race; and racial questions, as the Black brothers show, are still a regrettably dominant concern in Dixie politics.

This richly documented book does a good job of explaining both the Republicans' surge and the Democrats' survival. For decades after the Civil War, American politics exhibited a pattern that the Black brothers dub "battlefield sectionalism." The party of Lincoln did well in the North but was anathema below the Mason-Dixon line. In the 1930s, Republicans suffered on both sides of the line. The Depression cost them much of their support in the North while deepening anti-GOP feeling in the South.

Moreover, the Democrats' New Deal had a special appeal for the region. "Millions of dollars helped to construct dams, reservoirs, harbors, highways and airports," the Blacks write. "Federal money was political magic, a regional free lunch. It cost the South little because most southerners did not earn enough money to pay federal income taxes."

Two big changes followed World War II. First, the South's economic and demographic profile began to resemble that of the rest of the country. The Thomas Wolfe South of small-town eccentrics morphed into the Tom Wolfe South of urban bankers. Houston came to look like Los Angeles, even down to the urine-colored air. Northerners and Midwesterners moved south, bringing their GOP voting habits with them. And because of their rising incomes, Southerners

organized bluenoses. But he lacks a proper sense of the absurdity of his job. He discusses sketches he allowed (such as a nude beach bit where the word *penis* is repeated over and over), prohibited (mass-produced towels based on the Shroud of Turin), and even changed his mind about (a game show called *What's My Addiction?*).

Yet what horrors did he imagine happening if he had allowed them all on the air? (Indeed, why is it OK to *write* about such dangerous material?) Even for those who favor the networks protecting kids during prime time, there's something silly about a grown man deciding if it's OK to talk about (not even *show!*) breasts on Saturday nights at 11:30.

Clotworthy's book is most valuable in showing that much of the censorship ended up being political. His main job was placating countless watchdog groups who'd been told that "the public" owns the airwaves and hence believed that nothing on TV should offend them. He heard from Japanese Americans bothered when Joe Piscopo's Sinatra used a slur, from Central Europeans outraged by Steve Martin and Dan Aykroyd's Czech Brothers, and from one pale fellow exercised by *Great Moments in the History of White Trash*.

Over the past several decades, the semi-blue language and sexuality that *SNL* helped pioneer has become the boob tube's lingua franca. Has such vulgarity been good for »

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now felt the tax bite they had escaped during the Depression.

The second big change, of course, involved civil rights. By integrating the armed forces and backing civil rights legislation, the Black brothers explain, President Harry Truman "undercut 'an unwritten understanding' between the northern and southern wings of the Democratic party." The "Solid South" cracked. Democrats lost some of the region's electoral votes to Dixiecrat Strom Thurmond in 1948, then to Dwight Eisenhower and Richard Nixon in the next three elections.

Sen. Barry Goldwater (R-Ariz.) sped up this change when he voted against the 1964 Civil Rights Act. Later that year as the Republican presidential nominee, he carried five states of the Deep South (Louisiana, Mississippi, Alabama, Georgia, and South Carolina) while losing every other state except Arizona. "Some whites who had been trained from childhood to hate Republicans and revere Democrats now saw in the Goldwater wing of the Republican party an alternative to the Democratic party," the Black brothers write. From then on, Southern whites would always give a plurality of their votes to Republican presidential candidates.

The Blacks make clear that it wasn't just about race. White Southerners liked the GOP's position on taxes and defense as well. In the 1980s, Ronald Reagan also drew religious right voters in the South with his positions on social issues such as abortion and school prayer.

This new Southern support for the Republicans did not immediately extend below presidential races. In the House and Senate, many conservative Democrats clung to their seats like moss, greatly slowing the realignment at the congressional level. Finally in the 1990s, the GOP won a majority of the region's House seats. The 2002 midterm election confirmed the shift. Most of the region's governors, senators, and House members are now Republicans. Though Democrats still lead in Southern state legislatures, the GOP scored historic gains, taking the Georgia Senate and Texas House for the first time since Reconstruction.

The effect of civil rights on Republican electoral prospects in the South was a double-edged sword. While civil rights drove some Southern whites to the GOP, it also enabled many Southern African Americans to vote—and they voted almost unanimously for Democrats. In one of history's delicious ironies, African Americans, freed by the actions of the first Republican president, eventually became the Democratic Party's core vote throughout much of the South.

Still, no Southern state has an African-American majority, and not one has elected an African-American senator. The situation is different in House races. African-American Democrats can win in majority or near-majority African-American districts, which are largely the product of the Voting Rights Act. But by packing African Americans into majority-minority districts, the act also left neighboring districts whiter and more Republican, a process that cynics call "bleaching."

As a result, Southern Republicans can prevail either when African Americans make up a small share

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of the electorate or when Republican candidates win an overwhelming majority of the white vote. The first condition applies in many House races but not in Senate races. Most Southern GOP senators win because of huge white majorities. In 2000 Mississippi Sen. Trent Lott lost the African-American vote 87 percent to 11 percent but won re-election by carrying 88 percent of the white vote.

Such huge majorities are hard to achieve against a Democrat who can reach beyond African Americans. Many Southern Democratic politicians have learned the trick of building biracial coalitions, which is why they aren't extinct. For instance, Hollings beat Inglis by combining 90 percent of a high black turnout with 39 percent of whites.

A half-century ago, Southern Democrats campaigned by opposing color-blind laws, stirring up racial fears, and silencing those who opposed them. They still do.

Knowing that a tough Democratic challenge might lurk around the next corner, conservative Republican senators resort to shoring up their support by playing the pork game that Hollings has mastered. Even Phil Gramm, a rhetorically staunch free market economist, was never shy about claiming credit for the booty he brought home to Texas. By contrast, Sen. Mack Mattingly of Georgia largely ignored local concerns in favor of high-minded issues such as the line-item veto. He lasted one term.

The Black brothers make their points about the state of Southern Republicans with a wealth of data from elections and public opinion surveys. Though the book's elaborate details might make slow going for many readers, it will serve as a valuable resource for scholars and political activists.

Nevertheless, the book has its lapses. The Black brothers refer to the Republican Party of the Civil War era as "deliberately founded on sectional rather than national interests." Though it is true that the Republicans of the time had no appeal in the South, it is downright weird to refer to the limitation of slavery as a "sectional interest."

More significantly, the authors fail to develop a major implication of their own analysis. Mobilizing the African-American vote is now a key element of Democratic strategy, especially in statewide races. A common tactic is to demonize Republicans as racists, citing their opposition to racial preferences.

In 1999 Florida Gov. Jeb Bush announced his One Florida initiative to end racial preferences in government contracts and state university admissions. The initiative pre-empted a stronger measure that national anti-preference activist Ward Connerly was seeking to put on Florida's ballot. Republicans feared the Connerly measure would stoke strong opposition and hurt their party. As it turned out, Bush's One Florida hurt them anyway. Democrats used it to inspire anger among African-American voters, who turned out in high numbers and nearly tipped the state to Al Gore in 2000.

Even before this incident, Republicans in the South (and elsewhere) had grown increasingly gun-shy on the preference issue. Last June, Gov. Bush signed a bill creating the Florida Minority Business Loan Mobilization Program, which Connerly denounced as a new racial preference that backtracked from One Florida.

A half-century ago, Southern Democrats campaigned by opposing color-blind laws, stirring up racial fears, and silencing those who opposed them. They still do. ▮

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>> Liberating Late Night.

TV? At the very least, many of the best episodes of such network hits as *Seinfeld*, *Friends*, and *The Simpsons* would not have been possible without the trail blazed by *SNL*. Although cable doesn't face the same federal content restrictions, it's clear that shows such as *The Sopranos*, *Curb Your Enthusiasm*, *Oz*, and *The Larry Sanders Show* have greatly benefited from *SNL*'s example too.

But has such vulgarity been good for the country? In the '90s, when these changes had become truly ubiquitous, SAT scores rose while suicide and divorce rates went down. Crime—violent and nonviolent—dropped significantly, and rates of gonorrhea and syphilis fell even faster.

No one is claiming such welcome developments were due to *increased* profanity on TV, but that's a more plausible explanation than the one offered by doomsayers who complain about the world going to hell in a 19-inch handbasket. At least it has the facts—and the jokes—on its side. ▮

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Wherever Green Is Worn?

Multiculturalism in contemporary Ireland

Michael Valdez Moses

Multi-Culturalism: The View from the Two Irelands, by Edna Longley and Declan Kiberd, Cork University Press, 78 pages, $9.95

GIVEN THAT THE FIFA World Cup generates only slightly more interest among U.S. sports fans than the Summer Grand Sumo Tournament in Tokyo or the Rugby Union Heineken Cup Final, it's not surprising that most Americans missed what was arguably the most important Irish sports story since the founding of the Free State in 1922.

In May, when the Irish national football team was training on the Pacific island of Saipan, its captain and only bona fide international star, Roy Keane, was summarily dismissed by the team manager, Mick McCarthy. The Irish press described Keane's sacking on the eve of the opening round of the World Cup as nothing less than "a national catastrophe."

Lest one dismiss such rhetoric as mere hyperbole, consider that Bertie Ahern, the newly re-elected Irish prime minister, offered (in vain) to intervene personally in the dispute in an attempt to "salvage his country's World Cup hopes." The wry comments of one Dublin sports fan put things in their proper perspective: "This is far more serious than Partition. That only brought us 80 years of bloodshed, but this could mean that we go out of the World Cup in the first group."

What shocked the Irish public was not so much the bitter nature of the disagreement between the feuding former teammates, but the vehemence and offensiveness of Keane's remarks to McCarthy at a team meeting that led to the sacking. According to the *Dublin Evening Herald*, Keane told McCarthy in front of the entire squad, "You were a crap player and you are a crap manager. The only reason I have any dealings with you is that, somehow, you are the manager of my country *and you're not even Irish*. You can stick it up your bollocks" (emphasis added).

What might have remained a "mere" sports story became a raging cultural debate because Keane impugned *Mick McCarthy's* Irishness! As it happens, McCarthy originally hails from Yorkshire and, like several other team members born to Irish parents, grew up in England. By extension, if McCarthy didn't make the cut as an authentic Irishman, then neither did several of Keane's teammates who also play for the Irish national squad. Keane seemed oblivious to the irony of his own peculiar position. The 30-year midfielder, who calls Cork home, currently captains one of Europe's most storied professional soccer teams, Manchester United, and thus lives for much of the year in England where he represents the British team.

The Keane-McCarthy spat replays one of the oldest running conflicts in Western Europe, that between the "native" Irish and the "foreign" English. But if the public disagreement necessarily evokes that 700-year-old conflict, it also points up one of the most recent and increasingly pressing issues in the contemporary Republic of Ireland: multiculturalism.

Having emerged in the last decade as "the Celtic Tiger," one of the fastest growing economies in Europe (Dubliners gleefully point out that the growth rate of the Irish Gross Domestic Product has recently outstripped England's), Ireland has for the first time in many centuries seen a rapid influx of new inhabitants. Indeed, the recent liberalization of the Irish economy, coupled with the country's rapid integration into the European Union, has signaled a sharp reversal in emigration patterns that have persisted for a century and a half.

From the mid-1840s, when Ireland suffered the last great famine in Western European history (scholars estimate that 1 million Irish perished and another 1.5 million emigrated), great numbers of Irish have steadily departed their native land for greener pastures in the United States, Australia, Canada, and England. Ireland today is thus unique among European nations insofar as its population is still below that of 1841 (even when one includes the present population of Northern Ireland, officially still part of the United Kingdom). The new Irish prosperity thus promises or threatens—depending on whether one takes a nativist or cosmopolitan perspective—to transform beyond recognition what has traditionally been one of modern Europe's most ethnically homogenous countries.

On a recent visit to Ireland, I was caught off-guard by a Dublin taxi driver who inveighed against the current wave of new immigrants. Vainly scrutinizing the streets for a face, complexion, or manner of dress that might stand out among the crowd thronging O'Connell Street, I finally asked whom he had in mind. "The Dutch!" he expostulated. It seems that one byproduct of EU membership, economic prosperity, and generous welfare benefits has been that ne'er do well Dutch and other Euro-

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pean youth have found Dublin a hospitable place to idle away their time. (I continue to puzzle over how they can afford one of Europe's most expensive cities.) If from an American perspective the recent arrival of distant relatives of the Vanderbilts seems like a pretty innocuous instance of the new multiracial Ireland, the fact remains that multiculturalism is receiving a good deal of attention from Irish cultural critics and intellectuals.

A case in point is *Multi-culturalism: The View from the Two Irelands*, a brief book featuring essays by two of the island's most prominent literary critics: Edna Longley (who resides in Northern Ireland) and Declan Kiberd (who lives in the Republic). Its appearance marks an important moment in Irish cultural history. One of the first publications of the newly established Centre for Cross Border Studies (funded by the EU), the book is intended to represent the new cooperative cultural and political relationship between the Republic of Ireland and Northern Ireland established in the wake of the historic 1998 Good Friday Agreement.

What often passes in Irish pubs from Boston to Belfast as *authentic* Irish culture are, in fact, "invented traditions."

It is a token of the immense importance that contemporary Ireland places on its arts and letters that this slim (78-page) volume features a laudatory foreword from Mary McAleese, the current president of the Irish Republic. She writes, "We are gradually moving away from the homogeneity and old certainties which have traditionally been the hallmarks of Irish life. We are rapidly becoming one of the wealthier states in the world, as well as a multi-cultural society."

Edna Longley's essay takes up in considerable detail the single most vexing cultural conflict in Ireland's recent history, that between Protestants and Catholics in Northern Ireland. While the academic and intellectual elite of the United States has been obsessively focused on the divisions marked by race, ethnicity, and gender, Longley's essay, "Multi-culturalism in Northern Ireland," provides a timely reminder that the truly fundamental, politically critical, and historically significant divisions among peoples in modern Western societies have been religious ones.

Yet one finds little or no interest among contemporary (and usually secular) North American and Western European academics in the religious or creedal differences among their students and fellow citizens. This remains true notwithstanding a post-9/11 interest in the rights of a beleaguered Islamic minority—a group all too frequently cast by left-liberal intellectuals as an *ethnic* or *cultural* rather than specifically *religious* one. But any historically informed and critically accurate consideration of the development of the political principles of toleration and civil rights must necessarily begin with the religious divisions that plunged late 16th- and 17th-century Europe into decades of civil violence, warfare, persecution, and bloody repression.

If, as Irish commentators of the last 30 years have had it, "it's still the 17th century" in Northern Ireland, then Longley's discussion of the challenge of a newly peaceful and culturally vibrant multicultural Northern Ireland might have a salutary effect on her American counterparts. Specifically, it might inspire them to revisit the politically arduous and philosophically complex struggle whereby modern liberalism overcame the sanguinary terror of religious conflict in post-Reformation Europe. In crucial respects, contemporary divisions among races or ethnicities, and between genders, merely replay in a minor key the historically antecedent and more violent ones fought among religions and creeds.

Declan Kiberd's fascinating and trenchant essay, "Strangers in Their Own Country," gets directly to the heart of contemporary Irish concerns about the prospects for the nation's multicultural future. Kiberd takes due note of the shocking instances of racial violence that have beset Ireland in recent years: unprovoked attacks on newly arrived immigrants, asylum seekers, and political refugees from Romania and Nigeria. He likewise notes the unprecedented challenge posed by the first generation of Muslim immigrants for a society that has been, since the establishment of the Irish Free State in 1922, overwhelmingly Roman Catholic.

Arguably the most prominent and prolific literary scholar living in Ireland today and one of his nation's most renowned cultural critics, Kiberd stands out among his European intellectual counterparts for his relative enthusiasm for economic liberalization. He is an eloquent defender of open borders and an astute commentator on the economic advantages that the free movement of labor across national borders offers to Ireland in particular, and to Europe and the Third World more generally. He writes that "the argu-

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ments for embracing immigrants are not just moral or cultural, but economic as well. At present the Irish labour force is seriously short of skilled and unskilled workers...and those who come to Ireland...are here to work, not to live on the state; and they will invariably pay far more in taxes than they will receive in state hand-outs."

In a rhetorical move meant to remind the Irish of their own beleaguered history, Kiberd continues, "by tradition, it is the energetic and enterprising people from poorer countries who usually get up and travel to another land: and the money which they earn in the host country helps, through the subventions which they send home, to reduce poverty in their native countries as well....The Irish, many of whom lived on remittance letters from Britain and the United States in the nineteenth century, should understand this better than most. So also should they recognise the immense levels of energy and creativity in those who migrate." Adam Smith could hardly have made the point any more succinctly.

Kiberd, who for some years was accused (erroneously, in my view) by his cultural critics of harboring "green" sympathies (that is, being too sympathetic to the irredentist ambitions of Irish Republicans who endeavored to unite the whole island under an Irish national flag), has become the nation's leading advocate of cultural hybridization and cosmopolitan globalization. In his dazzling and immensely erudite works, Kiberd has investigated the historical and cultural processes by which a seemingly monolithic and homogenous "traditional" Irish culture was, in fact, constructed by revolutionary Irish nationalists, politically motivated ideologues intent on uniting the citizenry against their imperial English overlords.

Following in the footsteps of the historians Hugh Trevor-Roper and Eric Hobsbawm, who have traced the creation of British "tradition," Kiberd notes that what often passes in Irish pubs from Boston to Belfast as *authentic* Irish culture are, in fact, examples of "invented traditions" and "instant archeology," creations of late 19th-century and early 20th-century Irish politicians, artists, journalists, and scholars.

In his now-classic work of literary criticism, *Inventing Ireland*, Kiberd tells the story of Gaelic-speaking Blasket islanders, gathered around a cottage hearth during Easter Week, 1916, who first hear the news of the violent uprising in Dublin. Informed of a rebellion mounted by Irish nationalists hoping to restore Ireland's glorious pre-colonial Gaelic identity, one of the more skeptical islanders, the writer Tomás Ó Criomhthainn, points out to his Gaelic-speaking friends that there is no word in Irish for the "republic" that has just been proclaimed on their behalf.

In contradistinction to less reflective celebrants of all things Irish, Kiberd willingly embraces the invented character of contemporary Irish culture. Indeed he is uncharacteristically acerbic in characterizing his well-heeled media antagonists on the far left who declaim against both the stultifying effects of traditional nationalism and the corrosive effects of globalization; they are, in his memorable phrase, "designer Stalinists." In fact, the invented or self-consciously chosen character of the Irish *national* culture is for Kiberd an invitation to the ongoing reformation and reinvention of Ireland today. As Kiberd sees it, "the nation is less a legacy of the past than the site of the future, a zone of pluralisms which will prove its durability precisely by the success with which it embraces refugees, exiles, and newcomers."

Kiberd sees in the rising generation that has come of age since the birth of the Celtic Tiger an admirable flexibility, creativity, and cultural promise: "What these young people grasp most clearly of all is that Ireland itself was always multi-cultural, in the sense of being eclectic, open, assimilative. The best definition of a nation was that given by Joyce's Leopold Bloom: the same people living in the same place. As an outcast Jew, condemned to wandering, Bloom may in fact have had more in common with the members of the historic Irish nation than most of the characters in *Ulysses*: and he would certainly endorse the view that mono-culture works as badly in the body politic as in agriculture, rapidly wearing out the earth's potential." Thus does Kiberd address a diasporic people still haunted by the potato famine that wiped out the only staple crop of the 19th century Irish peasantry and forever altered the course of Irish national history.

To be sure, Kiberd is critical of the excesses of materialist individualism and "economic self-interest." He expresses concern that a society that ceases to respect the "res publica" and loses all faith in a "national philosophy" may well drift into an asocial and culturally vacuous anomie. In particular, Kiberd is critical of what he sees as too sharp a divide between the private and public spheres in multicultural America. For him, the very notion of culture is ultimately a trans-

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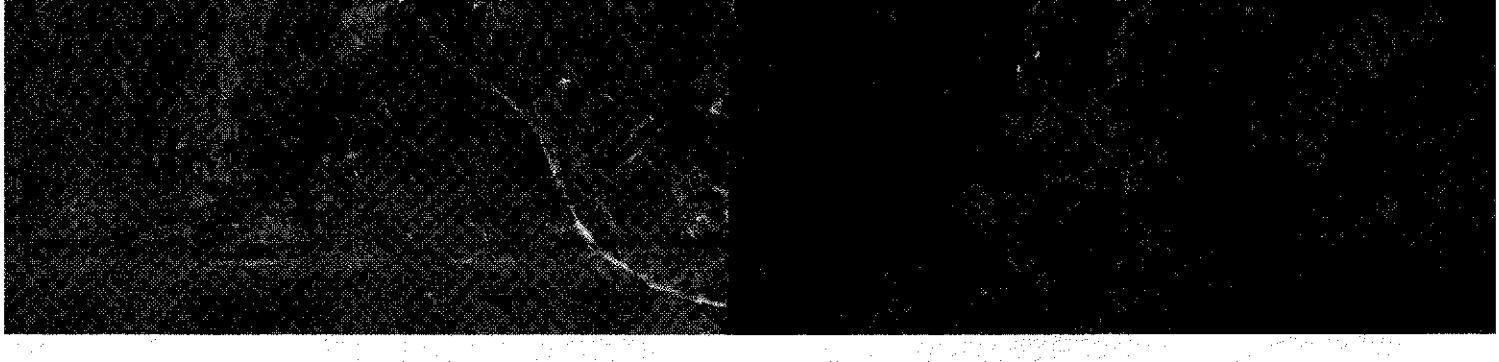

individual one, and hence incapable of complete privatization.

If Kiberd is sometimes overly critical of the American melting pot, it is in part because he feels that contemporary American (and especially academic) multiculturalism has abandoned its "secular republican ideal." The result, according to Kiberd, is an unfortunate obsession with the "identity politics" of one's own ethnic group that inhibits rather than encourages genuine cultural exchange. For Kiberd the "evolving multicultural syllabus" in the United States "may serve as a warning of how *not* to do multi-culturalism in modern Ireland. This is one which presents students with entirely separate versions of Hispanic, African or Indian cultures, each of them honourably rendered in some of its richness, but none of them shown in interaction." In such passages Kiberd hints that what passes as "multi-culturalism" on U.S. campuses is in fact more nearly akin to the cultural tribalism of which Northern Ireland has had such bitter and regrettable experience.

Kiberd also writes suggestively on the ways in which well-intentioned efforts of a government to *impose* a top-down model of the multicultural society may have unintended and undesirable consequences. Without taking issue with those commentators who've analyzed the racist attacks on Nigerians in Dublin during 1999, Kiberd notes that some have suggested that the deepest source of contemporary interethnic violence is not necessarily a profound or atavistic racism lurking in the Irish soul, but rather "a bureaucratic central government" that imperiously and "suddenly plants refugees" in the midst of local communities, thereby "massively disturb[ing]" long-established streets and villages.

While Kiberd does not call for government to abandon all efforts at social engineering, his comments nonetheless highlight a suggestive instance of the manner in which government bureaucracies create, or at the very least catalyze, those very problems of a multicultural society that they subsequently claim justify their existence and necessitate their intervention. No thought is given to how the unregulated and free-flowing cultural negotiations of individuals in civic society might better manage the challenges and conflicts of contemporary multiculturalism.

Kiberd's most important contribution to the global debate over multiculturalism is his insistence on a conceptual distinction recently made much of by Tom Garvin, one of Ireland's leading political scientists. That distinction is between the nativist or romantic notion of *ethnic nationalism* that understands the nation to rest on inherited linguistic, racial, or "organic" cultural traits, and an enlightenment or rationalist notion of *civic nationalism* that conceives the nation to be composed not of a naturally given group or groups, but of free rational individuals who chose to become citizens of a secular, liberal, and democratic republic. If the former sort of ethnic nationalism triumphed in late-19th century and early 20th century Ireland and continues to prevail among the more ardent adherents and sympathizers of the IRA and Sinn Fein, the latter notion is a lost but recuperable heritage of the United Irishmen.

The United Irishmen was an ecumenical organization of Protestants and Catholics, inspired by the examples of the American and French revolutions, who unsuccessfully attempted to overthrow British imperial rule in 1798; they offer one potential source of "traditional" Irish culture that waits to be realized. Suitably reimagined and reinvented, their legacy of civic nationalism, deeply indebted to the ideals of Enlightenment rationalism, and to a genuinely tolerant notion of citizenship indifferent to the categories of religion, race, ethnicity, gender, and class, might provide a wider, safer, and more promising path toward the multicultural future of Ireland—and of America, too.

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Big Schlock Candy Mountain

The many meanings of Mount Rushmore

Charles Paul Freund

Unlike the presidential statuary and monuments that festoon Washington and later became tourist attractions, Mount Rushmore's quartet of colossal faces was conceived as a tourist attraction (to bolster the faltering local economy) and only afterward took on deeper monumental meaning. For people who perceive it in grand terms, Rushmore is a patriotic psalm in stone, one that catches the national spirit in the true national setting, as opposed to a memorial set in a corrupt, bureaucratized capital.

In South Dakota, the visage of American greatness looms over the vast plain and stares serenely into...what? A still unfolding destiny manifest only to the carved heroes' ever-open eyes? Or are these same icons unwilling witnesses to the mess that later generations have made of their shared presidential achievement?

But Rushmore's gigantism certainly doesn't have grand meaning for everybody, as a pair of new works about the big faces and their obsessed sculptor, Gutzon Borglum, reminds us. The mountain's primary visual association—aside from souvenir postcards—remains its role as the climactic setting for Alfred Hitchcock's 1959 thriller *North by Northwest*, and there will always be visitors who come to look at Washington, Jefferson, Lincoln, and Teddy Roosevelt but can't help seeing Cary Grant, Eva Marie Saint, James Mason, and Martin Landau instead. John Taliaferro, in his fine new history of the sculpture, *Great White Fathers* (PublicAffairs), notes that a recent, expensive upgrade of Rushmore's visitors' center faced stiff opposition because, among other reasons, it destroyed the old visitors' center where Hitchcock filmed some scenes and thus broke Rushmore's nostalgic connection to classic Hollywood.

There's always been another camp of people who regard Rushmore as little more than Big Kitsch, and not very American kitsch at that. To them, taking a perfectly good Dakota mountain and carving really huge faces on it seems a rather pharaonic sort of enterprise that is not merely in bad taste but inconsistent with the republican ideals the result is supposed to celebrate. It isn't that Washington, Jefferson, and the rest don't deserve grand memorialization; they certainly do. But Rushmore's serene faces on the plains invite, for some, great-man cultism, if not an overtly quasi-religious reaction. On the other hand, building a giant obelisk to memorialize George Washington in the capital was an even more obviously pharaonic gesture than is Rushmore, and it may be that the urge to classical colossalism trumps all politics.

Rushmore's serene faces on the plains invite, for some, great-man cultism, if not an overtly quasi-religious reaction.

There are new, emerging ways to perceive Rushmore, too, thus suggesting that the monument has a vital place in the national imagination. One of these new ways is as an unfinished work. That is, some people see the mountain as a legitimate tableau of American greatness to which they hope to add their own favorite president. Certain of Ronald Reagan's enthusiasts, for example, have lobbied to have their man's face added, though there is probably no stable place on Rushmore to carve him or anyone else. The reason that Teddy Roosevelt seems so tightly squeezed into the current lineup is Borglum's discovery that Rushmore wouldn't support his original, more widely spaced conception. Apparently, you can't put anyone to Washington's right without threatening to bring down much of the existing facade.

It may come as a surprise to many that, for a few people, Mount Rushmore is actually a place of evil. But a New York–based grad student named Jesse Larner has written nearly 400 pages attempting to expose the mountain's negative side. In *Mount Rushmore: An Icon Reconsidered* (Thunder's Mouth/Nation Books) Larner argues that the sculpture is, in a phrase he quotes, "a monument to whiteness."

Here, blares the dust jacket, is a revered place of pilgrimage in the middle of Lakota Sioux country, portraying four men who, whatever their other achievements, "were deeply involved in the national project of wiping out the American Indian." Here's a grand sculpture created by a man, Borglum, who was "a high-ranking member of the Ku Klux Klan and a virulent racist." Indeed, here is a "mountain that came into the possession of the United States through the abrogation of an 1868 treaty with the Lakota." Such a background, says Larner, cannot help but affect Rushmore's message. Indeed, writes Larner, some disaffected young Dakotans would like to "blow it up," though Larner doesn't go so far.

Is it true that Rushmore's racially charged back story must affect its

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message? It might be true if Rushmore had only a single message to express. But obviously Mount Rushmore plays a more complex role than that. Like everything that emerges at the hand of man, its meaning is fluid. Borglum's backers wanted one thing (tourism), Borglum gave them another (monumentality); Borglum's audience is taking away a variety of meanings.

The point of an effort like Larner's, if he is successful, is not so much that he is *revealing* Rushmore's true meaning; it is that he is *expanding* the range of Rushmore's numerous and often conflicting meanings. The very same issue of a racially charged origin is part of the story of many American institutions (including the national parks, which were established in part to give the white race somewhere to rough it, and thus to avoid degenerating). The question is whether these dark sides of American history are alive in any meaningful way. Larner may condemn the sculpture and its secret history, but the issue now is whether anyone *celebrates* Rushmore as "a monument to whiteness."

If artifacts like Mount Rushmore have a secret, it is their ability to inspire the most unexpected reactions. An especially appealing perception of the place came from Cher, who believed that the faces were natural, uncreated formations. At least, that understanding of the place has been attributed to the actress-singer. It may seem unlikely that Cher really thought such a thing (or does it?), but it's too good a story to check. ■

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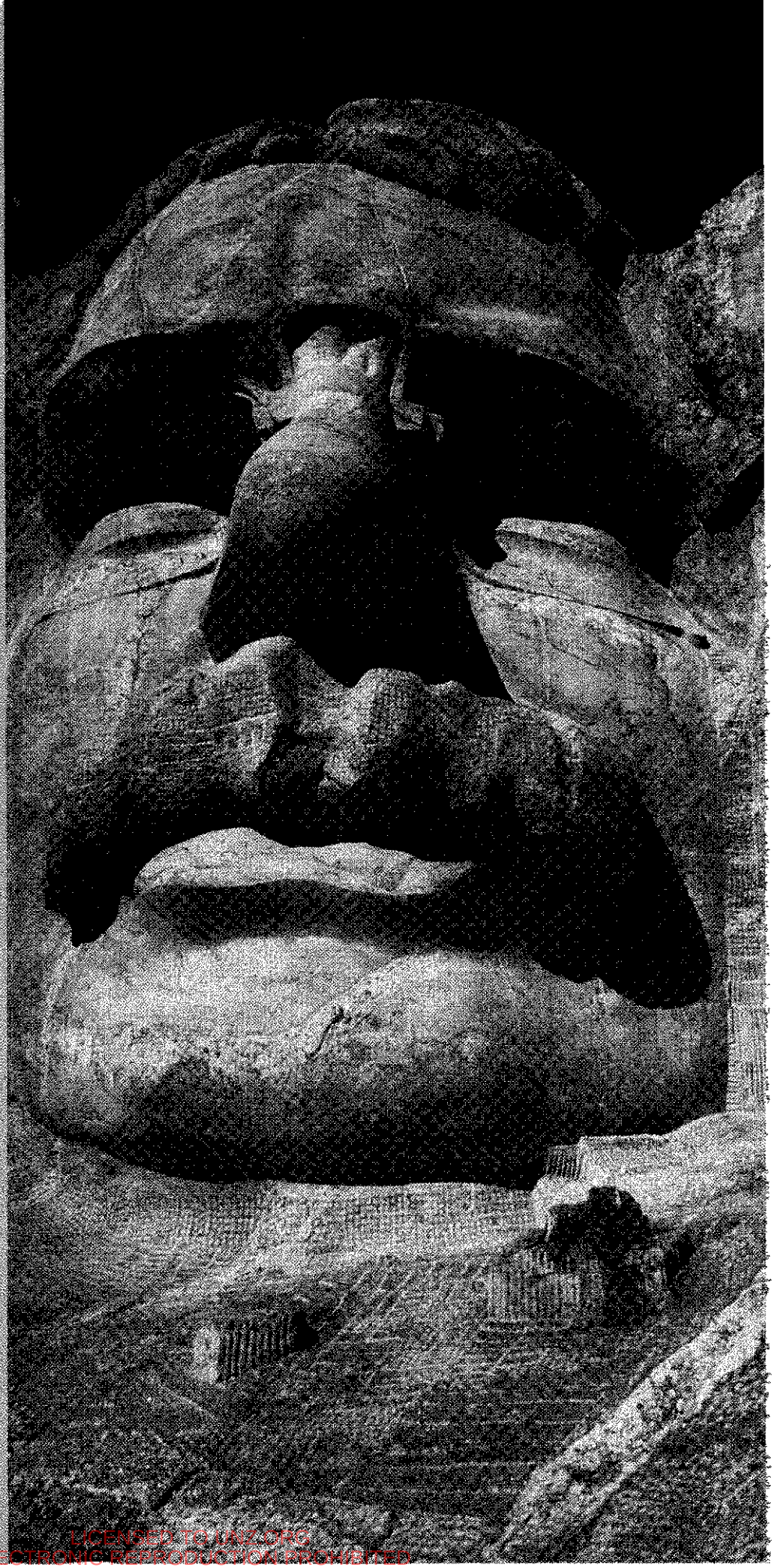

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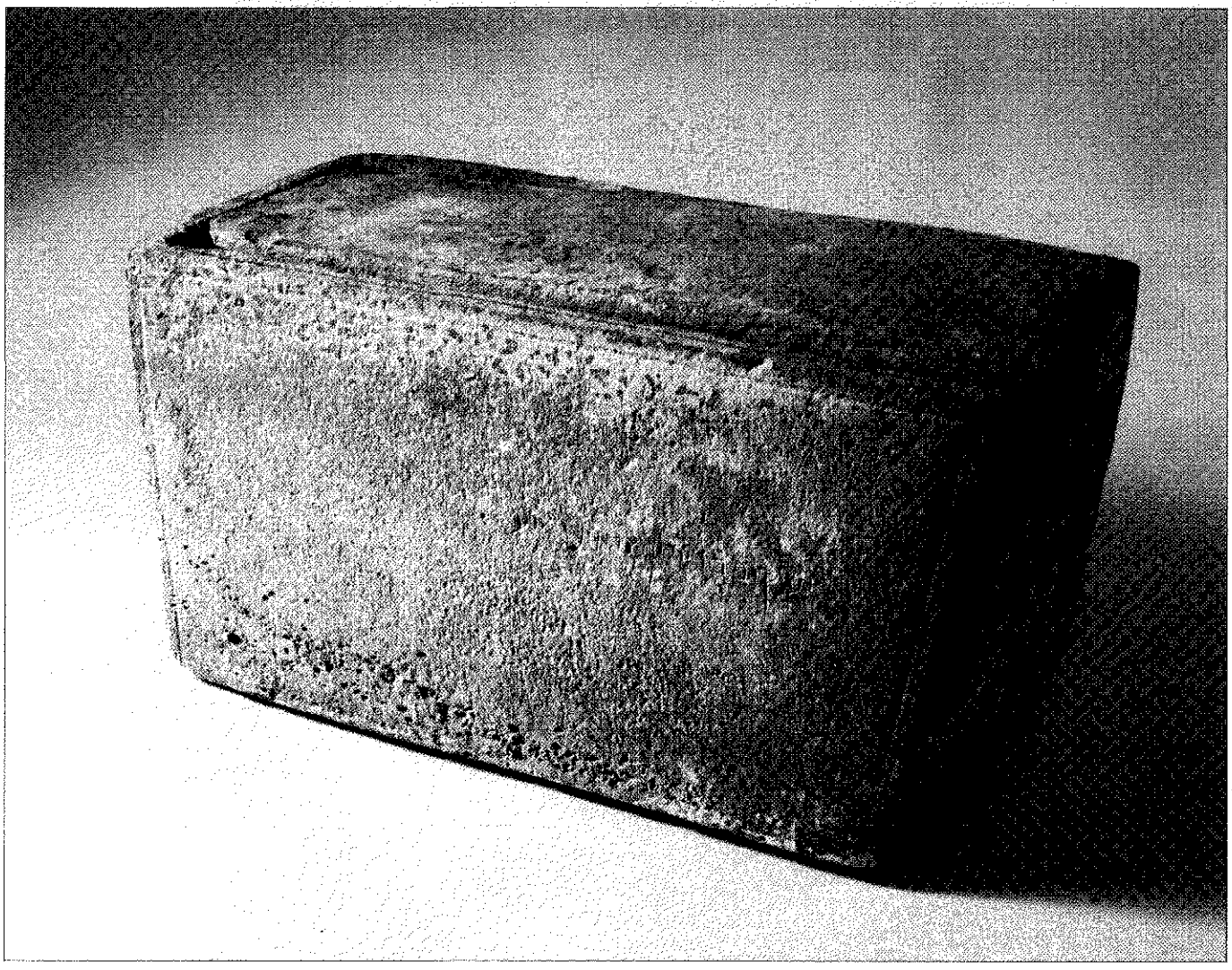

Biblical Archaeology Society, Washington, D.C.

Loot Box

Charles Paul Freund

THIS PLAIN-LOOKING limestone box carries the Aramaic inscription, "James, son of Joseph, brother of Jesus." The 20-inch-long box, which once held bones, appears to date from the first century A.D., and may well refer to Jesus of Nazareth. Publicly revealed in October, it might have been a Biblical breakthrough. Instead, it remains a matter of controversy. One reason is that the box was reportedly looted from its site in Israel some 15 years ago. The authenticity of the inscription and the box itself is open to challenge.

Archaeological looting is a massive, worldwide problem. Looters steal more than invaluable artifacts; they also rob us of an increased understanding of the past. Yet this black market could be quickly stopped if the archaeology establishment were a little cleverer about value.

Currently, governments claim all such finds. But because they do not profit directly from discoveries, almost all of which are filed away, they don't secure the sites. Hershel Shanks of the Biblical Archaeology Society has proposed giving private companies an interest in digs and unexcavated sites. Firms that could trade in duplicate finds—thousands of vases, lamps, coins, etc. are already in eternal storage—would guard their investment, satisfy demand, and even secure history. ▮

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Leaving Many Children Behind

Chester E. Finn Jr. is a senior fellow at the Hoover Institution; a member of Hoover's Koret Task Force on K–12 Education; and president of the Thomas B. Fordham Foundation.

Question: When the public school system fox is placed in charge of the school choice henhouse, what happens? Answer: Not much choice.

When Congress passed the No Child Left Behind Act last year, it said that any child trapped in a federally aided public school that has failed for two straight years to make adequate progress toward its state's academic standards has a right to attend another public (or charter) school located within the same district.

This is a bobtail version of President George W. Bush's original proposal, which included private schools and public schools in other districts. But Congress balked at "vouchers." Then the education establishment pressed lawmakers to confine kids' options to schools in their present districts. Hence Los Angeles children have no right to enroll in the fine schools of Beverly Hills.

This halfhearted choice provision was supposed to take immediate effect for pupils in more than 8,000 schools that have already lingered for two years or more on their states' lists of education failures. School districts across America were flabbergasted to learn this past summer that they were expected to provide options for those millions of youngsters in 2002–3.

How did they respond? A handful behaved as they should. But many more balked and resisted, dawdling until it grew too late for kids to switch, ignoring the law entirely, or reinterpreting it in ways that suited them.

In a matter of weeks, Ohio whittled its list of failing Title I schools from 760 to 212—not by improving the others but by fiddling with test scores and standards. Rural South Carolina districts claimed that they have so few schools that there is really nothing to choose among. Kentucky chose to wait until mid-September to finalize its list of eligible schools, aware that once the school year was under way, fewer families would want to move their children.

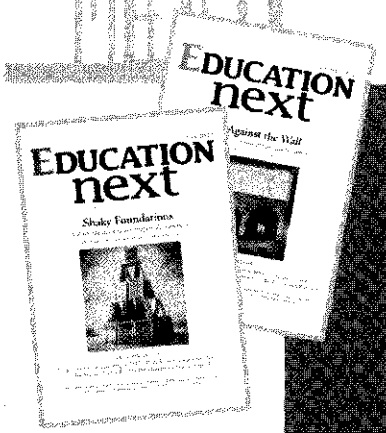
Besides foot-dragging, some communities faced genuine problems of capacity. In Baltimore, where 30,000 children are enrolled in failing schools, the district said it had just two hundred openings in better ones. In Chicago, a staggering 125,000 kids in 179 schools were originally deemed eligible to transfer, but the system somehow cut that list to fifty schools and then opted to "pair" these with other schools rather than giving kids a full range of options.

Despite such shenanigans, some youngsters changed schools. Denver estimated that as many as 5,000 pupils did so. When all is said and done, however, it was a few thousand poor children, not millions, who were able to escape bad schools for better ones. **The big story is the widespread flouting of the new law's intent—and a federal government that can do little to make recalcitrant states and districts mend their ways.**

What we are really seeing, once again, is how the public education establishment despises school choice, how little it will bestir itself to assist poor families trapped in failing schools to gain access to better ones, and how the hardball tactics it deploys keep lawmakers from adding more exit doors.

— *Chester E. Finn Jr.*

Paid for by the Hoover Institution, Stanford University.



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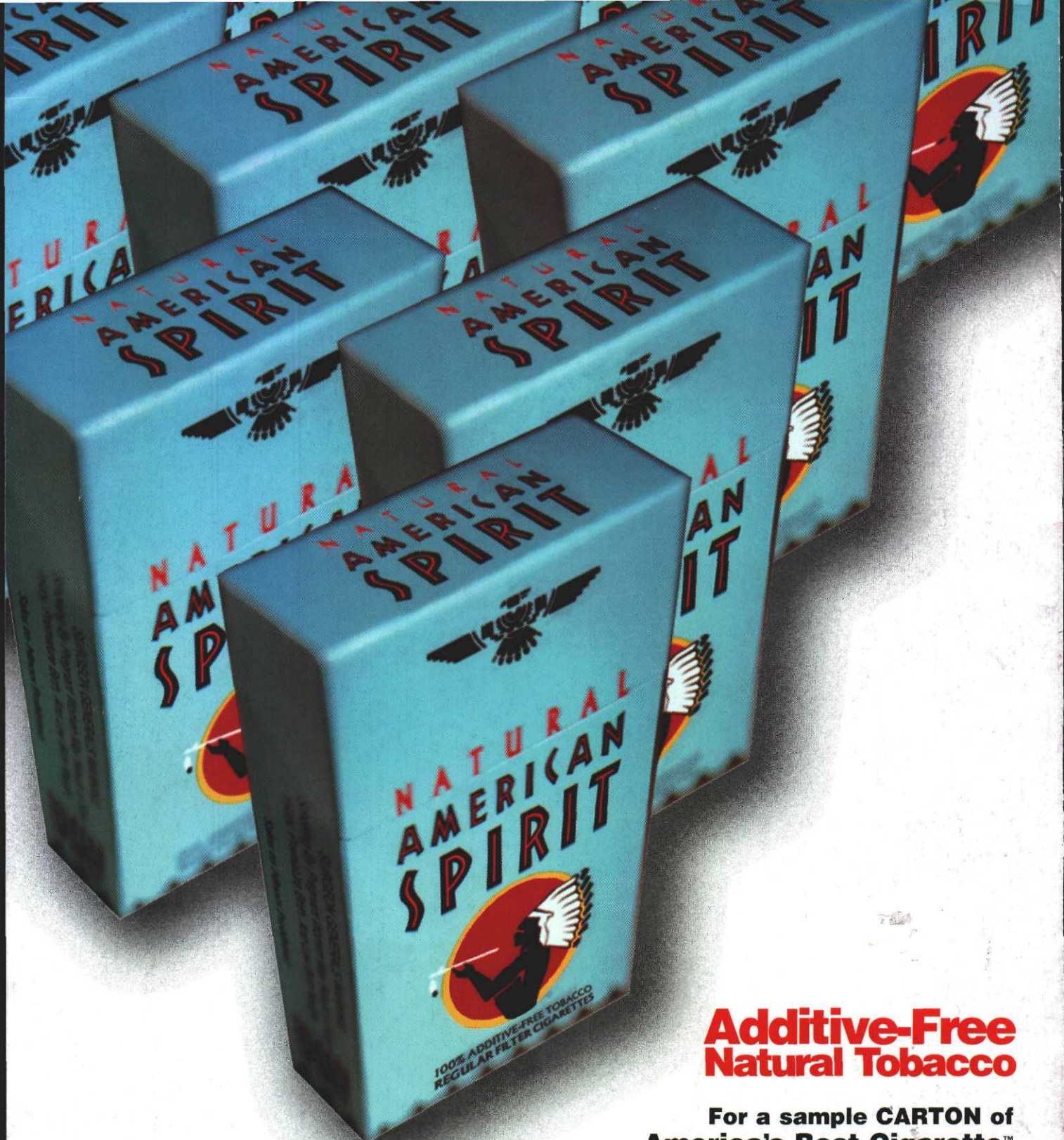

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